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THE HERNDON FAMILY OF VIRGINIA

JOHN GOODWIN HERNDON

VOLUME ONE: The First Three Generations

v.1

An Edition Limited to 500 Copies
of which this is copy
numbered 213

by

JOHN GOODWIN HERNDON, Ph. D.,

Fellow, American Society of Genealogists

THE ENGINEERS PUBLISHING COMPANY
PHILADELPHIA, PENNSYLVANIA

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JOHN GOODWIN HERNDON

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is affectionately dedicated

to the inspiring memory

of my beloved parents,

John Goodwin Herndon (1856-1933)

and

Florence Linton Herndon (1860-1940)

THE ENGINEERS PUBLISHING COMPANY,
PHILADELPHIA, PENNSYLVANIA

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INTRODUCTION

In attempting to prepare a correct genealogy of the early generations of the Herndon family of Virginia, I was confronted by two quite different problems. One arises from the loss of all the early official record books of certain counties and the partial destruction of those of other counties where it is known that the family settled. The other comes from the duplication of names in counties where the records are either complete or nearly so. In other words, in one case there seems to be too little material; in the other, too much.

Concerning the first of these points the following information may be valuable. Although the Virginia land patent records are still extant, the deeds, wills, and marriage bonds of New Kent, King and Queen, and Caroline Counties no longer exist. Fortunately the Order Books for Caroline from 1732 on, rich in references to the Herndons, are still available.

Now as to the abundance of material and the resultant duplication of names, the following facts are important. In the early records of Spotsylvania there are references to three Edward Herndons whose wives were named Mary: Mary Waller, Mary Brock, and Mary Duerson; while in adjacent Orange, Culpeper, and Stafford Counties some of these same Edwards appear and, in addition, Edward Herndon who married Mary Gaines and another Edward Herndon who married another Mary Waller. In Spotsylvania there are references to Joseph Herndon who married Mary Boswell and Joseph Herndon who married Mary Minor, as well as other Joseph Herndons who married and had families. There we also find John Herndon who married Mary Foster whose son John married another Mary. As to the William Herndons of Caroline, Spotsylvania, Orange, Culpeper, and Madison the confusion is less, for the wives of only two of the early ones were named Mary: Mary Bohannon and Mary Rucker; but two Williams in Caroline County married Sarahs: Sarah Leftwich and Sarah Poe. And there were three John Herndons who married Sarahs: Sarah Wingfield, Sarah Pomfrett, and Sarah (Chapman) Mountjoy, all in the fourth generation.

Another difficulty relates to the use of the word "junior", which in the eighteenth century was not limited to a son having the same name as his father. Instead its use seems to have implied merely that another and older person of the same name lived in the same community. One Edward Herndon had a son Joseph, Jr., and one William Herndon had a son John, Jr. Indeed in the settlement of the estate of one John Herndon

I found that he had a son George, Jr., and another named John, Sr! Since there was then, even as now, a tendency often to omit the "junior" after the name of a person who frequently used it, it follows that I have not been able, in every case, positively to identify which of the numerous Edwards, Johns, Josephs, and Williams performed each act associated with his name in the existing records. Yet, on the whole, uncertainty as to the person meant has been reduced, I believe, to a minimum. None exists as to those who served in the Colonial Militia and almost none as to those who served in the forces of the American Revolution.

In Volume Two I propose to include a study of the Herndons of the fourth and fifth generations of the family in America, as well as a record of the service of all members of the family who are known to have rendered aid to the Patriot Cause during the American Revolution. The method of treatment will be substantially the same in that volume as in this one, that is, with adequate citations to authorities.

Whether to continue the study of the Herndons in volumes based on generations or on all the known descendants of sixth generation ancestors will depend, in large measure, upon the advice given me by those who read Volumes One and Two. If the decision is in favor of treatment by family units, the story will be taken up family by family in accordance with the order in which they appear in the numerical arrangement already begun in this volume and to be continued in Volume Two. There is much to be said in favor of each system.

Another volume will concern itself solely with the English Herndons. Already I have a tremendous collection of well arranged data pertaining to them, or rather to some of them, in more or less unbroken lines from the middle of the fifteenth century until the end of the seventeenth, in addition to miscellaneous records of their ancestors named Herndon from 1170 to 1450, as well as the charters granted to the community in Kent named HERNDON (various spellings, the preferred being *Heronden*) by King Ethelred in 833 and renewed in 968. [Spelling in the original charter was *Hyringdenne* and in the renewal, *Hyringdaenn*.]

In the volumes dealing with the American family there will be made no serious attempt to carry out female lines of descent. When, however, information has been furnished as to persons whose mother or grandmother was named

Herndon, that record will be included.

It is important also to state what Herndons are not traced. There settled early in Rhode Island one Benjamin Hearnden who died there in 1687. He and his wife Elizabeth White had sons Joseph, William, John, Thomas, and Isaac, as well as daughters Sarah, Alice, and Mary. That New England family (doubtless related in England to the ancestors of William Herndon of Virginia) has been well traced in Austin's *Genealogical Dictionary of Rhode Island*, and is not considered in this or the subsequent volumes of this work. In addition, in the 1850's, another member of the English family, spelling his name Hernden, settled in Canada whence his two sons moved to Ohio. Their descendants who now live in Florida are likewise not included in these volumes. So far as I know, there are no other white Herndon families in the United States except these three: the Virginia, the New England, and the Canada-Ohio-Florida families.

In a work such as I have here started, my sense of gratitude to the many who have helped me is such that I should like to pay my respects to each one, but as they run into the hundreds I must content myself by singling out those who have contributed of their time and skill the most toward making the present and the contemplated volumes an accurate record of the family of the Herndons of Virginia. They are Mr. John W. Herndon, of Charlottesville, Va., who searched for Herndon data in old courthouses nearly fifty

years ago and who, in more recent years, went with me on many a genealogical pilgrimage into all parts of Virginia and many parts of North Carolina, Tennessee, Mississippi, and Kentucky; Thomas Hall Herndon, now deceased, for many years the distinguished president of the American Cross of Honor, who began collecting Herndon records for just such a work as this in the 1880's; Ruth Herndon (Mrs. C. W.) Shields, of Chapel Hill, N. C., whose ability as a genealogical detective is extraordinary and who has personally interviewed more Herndon relatives, I believe, than anyone else I know; Martha Gilmore (Mrs. R. G.) Robinson, of New Orleans, La., whose studies of the Herndon-Frazer lines of Virginia-Kentucky have been painstakingly done; Nellie Burnett (Mrs. W. D.) Dickinson, of Glasgow, Ky., and Frances Beale (Mrs. Luke) Hodges, of Wichita Falls, Texas, who have studied with great care the records of the descendants of Capt. James Herndon and his wife Isabella Thompson; Mr. Harry H. Martindale, of Indianapolis, Ind., who furnished an abundance of valuable material concerning the Herndon-Howard families of North Carolina, Virginia, and Indiana; and Reverend Clayton Torrence, of Richmond, Va., without whose advice on many aspects of Virginia laws this volume would have contained far too many errors.

I shall be happy to receive Herndon family data from any who read this book.

Haverford, Penna., JOHN GOODWIN HERNDON
21 January 1947

ABBREVIATIONS USED IN THIS VOLUME

c or ca.	<i>circa</i> , about
COB	Caroline County Court Order Book
Crozier	Virginia County Records, Vol. I, Spotsylvania 1721-1800, edited by William Armstrong Crozier
d. s. p.	died <i>sine prole</i> , without issue
m	married
nfi	no further information
p	<i>post</i> , after
Va. Mag.	Virginia Magazine of History and Biography
Virkus	Either The Abridged Compendium of American Genealogy or The Compendium of American Genealogy, edited by Frederick Adams Virkus
Wm. and Mary (1)	William and Mary College Quarterly Historical Magazine, First Series
Wm. and Mary (2)	William and Mary College Quarterly Historical Magazine, Second Series

THE FIRST GENERATION

1 WILLIAM HERNDON was the first Herndon in Virginia of whom there is official record. His dates are said to have been 1649-1722.¹ Whether these are correct cannot now be established, but they are consistent with all that is known of him.

From the patents issued to William Herndon we learn that he was active in promoting the development of new settlements upon the upper waters of the Mattaponi, having individually assisted ten persons, and in company with Robert Bagby fifth-six persons, to locate in that part of New Kent County which was then on the outposts of the Colony. The lands patented to him were located on the northeast side of the Mattaponi, and after 1691 when King and Queen County was created, they were found to be within the limits of the new county. The two patents to William Herndon and Robert Bagby jointly were for 1,800 and 1,000 acres, respectively, while the two patents issued to William Herndon individually were for 430 and 64 acres, respectively. The persons named at the end of each patent are those on account of whose transportation the patent was issued. The wording of the patents goes thus:²

"To all etc. Whereas etc. Now Know Yee that I the said Sr. Wm. Berkeley Knit. Governor etc. Give and Grant unto Robt. Bagby and Wm. Hernden Eightene Hundred Acres of Land lying upon the N.E. Side of Mattopony River in New Kent County beginning at two hicorys Standing about forty paces above an Indian Weire being the Lower Corner tree of Mr. Hall and Mr. Piggs Land then running Downe the said River 306 pole to a pine standing on a peece of Low land by the River at the Lower End of A high banke then by mrked trees N.E. by N. 960 poles of two red okes then N.W. 306 poles to two red okes being the Corner trees of Mr. Halls and Piggs land, then Joyneing to their Land S.W. by S. 960 poles to the hicory Where it began. The said Land is Due by and for Transportation of thirty Six psons etc. To have and to hold etc. To be held etc. Yeilding and paying to Our Sov. Lord the King etc. Provided etc. Dated 18th Feby 1673/4

Nichs. Edmonds
Margarett Plumton
Wm. Carter
George Randell
Marg Wmson
Wm. Sheeres
Tim. Wittingham
Geo. Barker
Cuthbert Tunstall
Fra. Barnett
Tho. Butlesby

Antho. Thompson
James Jones
Theo. Whitney
Xper. Morline
Nich. South
Jno. Throgmorton
Geo. Landell
John French
Wm. Kirby
Wm. Cutler
Nich. Freeman

Wm. Netherby
Timothy Key
Wm. Monroe
Nich. Potter
Nich. Peiceson
Geo. Turner
Benj. Sheeres

Wm. Dawson
Xpefer. Mickleton
Marg. Nicholls
Randall Morecroft
Geo. Ridley
Geo. Drummond
Wm. Sanders "

"To all etc. Whereas etc. Now Know yee that I the said Sr. Wm. Berkeley Knt. Governor etc. Give and Grant unto Wm. Herndon Sixty four Acres of Land in St. Stephens pish in New Kent County Joyneing to the Devident he now lives upon, beginning at the S.W. Corner of the said Devident runing E.S.E. 1/4 So. 69 pole along Wm. Hurts Line to a red oke E.N.E. 63 pole to a red oke upon the side of A hill, then S. 128 pole to A hicory N.E. 161 pole to A hicory No. W. 3/4W. 30 pole to an old mrked hicory of the aforesaid devident of Herndens and along that line West 210 poles to the place where it Began. The said is Due for Transportation of one pson into this Colony etc. To have and to hold etc. To be held etc. Yeilding and paying etc. Provided etc. Dated 18th Feby. 1673/4

Xper Arson"

"To all etc. Whereas etc. Now Know Yee that I the said Sr. Wm. Berkeley Knt. Governor etc. give and grant unto Wm. Herndon four hundred and thirty acres of Land Lying upon the N. side of Mattopony riv. in New Kent County Joyning to Mr. Morrice's Land Richd. Davis and Robt. Jones beginning at a marked hicory that divides this Land from Mr. Morrice and Richd. Davis's land standing by the roade to Dennis's plantacon then runing along the said Davis's land No. E. 269 poles to A poplar in Tomocoricon Swamp then downe the Swamp E. 40 poles to A white oke Corner of Davis's old devident then N.W. 150 poles then S.W. 580 poles to a red oke neare Robt. Jones's Land then S.E. by E. 123 to Mr. Morrice's red oke Corner then by mrked trees N.E. 275 poles to the hicory where it Began. The said Land is Due for Transportacon of nine psons into this Colony. To have and to hold etc. To be held etc. Yeilding and paying etc. Provided etc. Dated the 18th February 1673/4.

Tho. Warr
Jno. Ashington
Alice Lamham
Tho. Cooke
Mathew Thomas

Bridgett Cross
Wm. Hawley
Hen. Benskin
Richd. Owen"

"To all etc. Whereas etc. Now Know yee that I the said Sr. Wm. Berkeley Knt. Governor etc. Give and Grant unto Wm. Hernden and Robt. Bagby one thousand Acres of Land lying in New Kent County on the No. Side of Mattopony Riv. Joyning and Begining at Mr. Tho. Halls and Jno. Piggs two white Oke Corner trees of their 3631 Acres runing by marked trees No. Ea. by No. 320 poles to A red Oke then S.E. by E. 500 poles to A white oke that devides this land from 920 Acres of Jno Pigg

then S.W. by S. 320 poles to the Aforemen-
coned Land Mr. Halls and Piggs then by their
line N.W. by W. 500 poles to the place where
it began. The said Land is Due for trans-
portacon of 20 psons into this Colony, etc.
To have and to hold etc. To be held etc.
Yeilding and paying etc. Provided etc.
Dated the 18th day of Feby. 1673/4.

Wm. Simpson	Robt. Chickester
Wm. Bilkinson	Jno. Ware
Eliz. Clarke	Ann Trowell
Robt. Wells	Alice Coffee
Tho. Davis	Anth. Jefferson
Jacob Stringer	Wm. Conway
Eliz. Beare	Jno. Symons
Geo. Stradling	Cha. Price
Wm. Ambrey	Ja. Smith
Const. Hewett	Eliz. Crowder"

The expression used in the second of these patents "Sixty four Acres of Land in St. Stephens p[ar]ish in New Kent County Joyneing to the Devident he now lives upon" clearly implies that William Herndon had already established his residence there. How much sooner he had come to Virginia is not known, but the transportation of ten persons by himself alone and fifty-six persons by Bagby and himself in cooperation probably required more than a year. It seems safe, therefore, to assume that William Herndon had arrived in Virginia as early as 1672. Since, moreover, the names of the persons he transported, both men and women, are recorded, but that of his wife is not, it would appear that he was a bachelor or widower, and if the latter, then that his wife had died in England.

A grant of land 13 October 1686 to Mr. Stephen Burbridge, of [Old] Rappahannock County, and Mr. Richard Tunstall, of New Kent County, located on "the freshes of the Mattapony" and "back in the woods", states that it adjoined "the lands of Robert Bagby and William Herendon," the joint patentees above named, Captain Josiah Story, and William Morris, and that a tree near the Porto-bacco path was one of the boundary marks.³

In 1677 William Herndon is said to have married Catherine, youngest daughter of Edward Digges, of "Belfield", who had been Governor of Virginia in 1655. Let us examine all the evidence concerning this assertion.

In 1943 the compiler of this genealogy request-
ed his friend, Mr. John Waterhouse Herndon, of Charlottesville, Va., to give him a statement about the early Herndon marriages in Virginia. In compliance therewith he prepared a statement 2 June 1943 later acknowledged before a notary public. Its first paragraph reads, as follows:

"The information with respect to William Herndon and his wife, Catherine Digges;

Edward Herndon, his son, and Mary Waller, his wife; and William Herndon and his wife, Ann Drysdale, given by me in the fifth paragraph on page 319 of the January, 1902, issue of the Virginia Magazine of History and Biography [Vol. IX, No. 3] and the marriage of Edward Herndon and Mary Brock, in the following paragraph, was furnished me by my father's first cousin, Lucy Taylor Herndon, who informed me that it had been given to her by Mr. Moncure D. Conway, many years ago--probably in the late 1880's or early 1890's; that he had secured the data from original court records and some old letters, and that at the time he thought of writing an account of the Herndon family, which, by the way, he never did. She [Lucy Taylor Herndon] informed me also that when Mr. Conway was in Fredericksburg, Va., in 1898, she asked him again about the matter and he replied that he could tell nothing further except that he remembered looking it up at the time....

"Early in 1898 I wrote to Mr. Conway, then living in New York, to see if he could give me this information direct, or any additional data. To this he replied on April 16, 1898, in part as follows:

'...I am so overwhelmed by the death of my wife, which occurred on Christmas Day, that my affairs and correspondence have been neglected. My home is broken up, my library gone, and most of my papers stored in a warehouse....

'But my delay has been in part due to my hope that I might be able to discover one or two letters that I received from members of the Herndon family eleven or twelve years ago [that is 1887 or 1886] when I was writing an article on Fredericksburg....

'I have not been able to lay my hands on any more relating to the Herndons. I will keep your letter and if I come across anything I will send it to you.'

"The data which Mr. Conway submitted are as follows:

'William Herndon married in 1677 Catherine Digges, youngest daughter of Edward Digges, governor of Virginia in 1655.

'Edward Herndon, eldest son of William and Catherine (Digges) Herndon, was born in 1678 and married in 1698 Mary Waller.

'Edward Herndon, eldest son of Edward and Mary (Waller) Herndon, married Mary Brock.

'William Herndon, son of Edward and Mary (Waller) Herndon born in 1706, married Ann Drysdale, daughter of Lieutenant Governor Hugh Drysdale.'

Mr. Conway does not, in any statement pertaining to the Herndons that has come down to us from him, give a single reference to any source -- official record, contemporaneous record, or printed book -- for the statements he makes. He refers vaguely to remembering "looking it up at the time" and to certain "letters that I received from members of the Herndon family eleven

or twelve years ago [i.e., 1887 or 1886]." The date when he gathered the material is not stated. If it was as early as 1860 (and that is not at all unreasonable, for he was born in 1832 and had graduated from the Harvard Divinity School in 1854), then many records in Virginia were available to him that were destroyed by 1888. Let us mention a few. Some of the King and Queen County records were destroyed in 1820 and others in 1864. The fragments of the records of King William County that survived the fire of 1886 throw no light on a Herndon-Digges relationship, but even the small bits that escaped destruction contain one reference to Edward Herndon. If Mr. Conway examined the records before 1886, as he very well may have done, there is no reason to suppose that he may not have found there certain references to the marriages which he states he found in the records. On the other hand, the York County records have been preserved from 1632 to the present. They have been carefully studied in the hope of finding some item to support Mr. Conway's statement that William Herndon married Catherine Digges, for York County was the home of the Digges family.

Those records afford evidence that Governor Edward Digges died in 1675 and that at a meeting of the General Court 15 June 1675 a probate of his will was granted to Mrs. Elizabeth Digges, his relict and executrix.⁴ The will of Edward Digges, however, is missing from the Virginia records, for the will records of the General Court were destroyed in 1865 when the General Court House in Richmond was burned in the conflagration that swept the city at that time. A copy of the will of Edward Digges, however, was proved and recorded in the Prerogative Court of Canterbury.⁵ An abstract of it follows:

"EDWARD DIGGES, Will 28 August 1669; proved June 30, 1686 [?]. Now bound upon a Voyage for Virginia do make my wife Elizabeth Digges my sole executrix and doe give her £1200, and all the rest of my estate except the following legacies. To all my children being four boys and four girls £250 each, the profits of 2/3 of my plantation till my eldest son is 24. Guardians and executors, in case of my wife's death, Sir William Houell, Coll William Willis, Mr. John Jefferies, and my cozen Dudley Digges. Witnesses: Jo: Diggs, Will Diggs The 16th of June, 1675. This will was proved in Court by the oath of Will Diggs and a probate granted the Executrix and ordered to be recorded. This is a true copy of the abovesaid will, from the Records in the Secretary's office. Test Edw. Harrison, per E. Chilton official clerk. 15 May 1685. The above writing is a true copy of the will of Edward Digges Esqr. taken of [sic] from the Records, as appears by the Certiff of the Clerke of the Office, William Cole, John Page."

When Edward Digges made his will 28 August 1669, he had four sons and four daughters living. Their Christian names are not mentioned in the will. They all seem to have been minors when it was written. The inscription on his tomb at "Belfield", York County, states:⁶

"He had issue 6 sonnes and 7 daughters by the body of Elizabeth, his wife, who of her Conjugal affection hath dedicated to him this Memorial."

Therefore two sons and three daughters died in infancy prior to the date of their father's will.

In the standard Digges family pedigree published in January 1893,⁷ it was stated that of Governor Edward Digges' children, "only four are known;" viz: (1) William Digges (who died 1698); settled in Charles County, Maryland; (2) Mary Digges, born about 1655, died 10 May 1690, married Captain Francis Page; (3) Ann Digges born 1660, died 22 November 1688,⁸ married Colonel William Cole; (4) Dudley Digges, born about 1665, died 1710, married Susannah Cole.

Another son, one named Edward, was discovered to be living in 1692 at the time of the settlement of the estate of his mother, Mrs. Elizabeth (Page) Digges.⁹ At the end of the above-mentioned Digges genealogy a note reads;¹⁰

"In Matthews Co. have lived for many years numerous representatives of the Digges name who are not placed in the above pedigree. They may be descendants of the unknown sons of Gov. Edward Digges..."

A statement follows that shows the predominance of the name Thomas Digges in the family of the contributor of that note.

Catherine may have been another. One very strong piece of circumstantial evidence, however, in support of Catherine Digges as the wife of William Herndon, came unexpectedly to the compiler of this record from Mr. Trist Wood, of New Orleans, with whom he had had correspondence from time to time on various genealogical matters. It reads:

"2521 Gen. Taylor St.,
New Orleans,
March 19/39

"Dear Dr. Herndon:

"I do not know whether the enclosed will be of any interest or service to you.

"You need not return it.

Very sincerely yours,

Trist Wood"

The enclosure, initialed T. W., was headed "Copy of Enclosure in a letter to me from Mrs. G. G. Rucker, dated Witch Pond Farm, Elberton, Ga., June 16, 1922." An exact copy of it follows:

"Edward Herndon Jr. married Nancy Ann Rucker in Va Aug 18, 1791 Culpeper Co. (died in Elbert Co Geo Sept. 22, 1827)

"Children:

Mary Gaines, b in Orange Co. Va June 2, 1792 married Dozier Brown

Elizabeth Rucker b. 5 1793

(William Gaines moved to Ala)

Dillard b Orange Co. Va Apr 22, 1795

(died Elbert Co Geo July 24, 1873)

Catherine Digges b Orange Co. Va. Feb 28, 1797 m Eppe White (died in Elbert 1884 my great grandparents)

Sarah b Orange Co. Sept. 29, 1798 married Adams died October 1853

Frances b Orange Co Va Nov 2 1800 married Adams died Jasper Co. Ga. 1841

Nancy b Orange Co Va June 18 1802 died Elbert Co Geo March 2 1820

Rachel b Elbert Co Geo Feb 9 1804 married Burrus died 1837

Lucy b Elbert Co Geo apr 22 1805 died Oct 27, 1820

Thomas Rucker b Elbert Co Geo March 29, 1807 died Oct 16. 1821

William and Edward b 1799 [undoubtedly in error for 1809] died within 24 hours --dates not copied

"Their graves [evidently referring to the graves of Edward and Nancy Ann (Rucker) Herndon] are within five miles of here and the two old Bibles are within a few hours motor [probably referring to Bibles belonging to Edward Herndon, Jr., and his brother Benjamin who settled nearby].

"I copied names and dates of birth marriage and death from a transcript in my prayer book which is always with me--hence I could do this much now. [She means copied for me. T. Wood.]

"This county is full of Gaineses from Va all kin to me and at one time a branch of the Pendletons lived here."

Now let us consider the given names of these Herndon children:

- (1) Mary Gaines, named for her grandmother Herndon;
- (2) Elizabeth Rucker, named for her grandmother Rucker;
- (3) Dillard, named for Judge Dillard, a family friend;
- (4) Catherine Digges, according to tradition now but what may well have been family knowledge then, the name of the first of the Herndon women in Virginia, Catherine, daughter of Governor Edward Digges, and wife of William Herndon;
- (5) Sarah, named for a sister of her mother's;
- (6) Frances, named for another sister of her mother's;

- (7) Nancy, named for her mother;
- (8) Rachel, named for a sister of her father's;
- (9) Lucy, for whom named we do not know;
- (10) Thomas Rucker, named for his grandfather Rucker;
- (11) and (12) William and Edward, named for their uncle and father, respectively, or for their great-grandfather and grandfather Herndon, respectively.

If, therefore, Edward Herndon, Jr., who seems to have had a great sense of family ties, named his daughter, born in 1797, *Catherine Digges Herndon*, is it reasonable to suppose that she was given this name by mere coincidence?

Mr. Conway's assertions, therefore, while not proved, ought not to be lightly brushed aside. He says that Edward Herndon was William's son. We find plenty of references to Edward Herndon, as will appear later on in the next chapter. While a court record of the marriage in 1698 of Edward Herndon and Mary Waller has not been found, there is strong reason to believe that Mary Waller was his wife, as will be shown in the next chapter. If Edward was the eldest son of William Herndon and Catherine Digges as has been assumed, then his being so named follows a practice long prevailing in Virginia of naming the oldest son for one of his two grandfathers, in this case, Edward for his mother's father.

The name Waller occurs as a given name in one branch of the Herndon family even to this day. The name Pomfrett, which occurs quite frequently as a distinctive given name in the Waller family, is also found in the Herndon family and several times in connection with Waller. The Spotsylvania records reveal that the Wallers and Brocks were intimate friends of the Herndons. They witnessed each other's wills and were overseers of each other's estates, and inventoried them, and served each other in other capacities; spoke of each other as "dear friends", which in old records was often synonymous with "relatives"; they were neighbors as well; their estates adjoined or were in close proximity. It would seem reasonably likely, therefore, that there was a family tie between them.

For a long time the Herndon family had been seated in and around Tenterden, county Kent. Edward Digges was a son of Sir Dudley Digges, of Chilham Castle, in Kent, not far from the village of Tenterden. In 1653 Edward Digges was granted a Virginia patent to 2,350 acres on the north side of the Mattaponi River.¹¹ He returned to England first late in 1655, and made other voyages thereto later on, one ending in 1669. Is it not possible, even likely, that on one of those visits home he induced William

Herndon to settle in Virginia? William Herndon, we know did settle there — "on the freshes of the Mattapony" in New Kent County by 1674 — and other land patented to him was described as "upon the north side of the Mattapony River", which is the same phrase as used in the patent issued to Edward Digges in 1653.

Another piece of circumstantial evidence supporting the Catherine Digges tradition came in a letter dated 18 July 1946 to the compiler of this genealogy from Mrs. Robert G. (Martha Gilmore) Robinson, 26 Audubon Place, New Orleans, La., from which the following are quoted:

"In 1939 when I was in Yorktown, Mrs. G[eorge] D[udley] Chenoweth, hostess at the Digges House there, showed me a patchwork 'star' with the names 'Catherine Digges - Fauquier Va. - March 1848' worked in it. Mrs. Chenoweth's husband's father was a minister living in Winchester in 1848. Miss Elizabeth Sloan of Winchester, granddaughter of the minister, had found this 'star' among his effects and had sent it to her aunt Mrs. Chenoweth.

"Also, in the Warren Frazer Bible is the entry 'Catherine D. Frazer died 5-Feb-1838.' I know this family knew of the two governor tradition [referring to Edward Digges and Hugh Drysdale]. They were quite capable of naming their eldest daughter after their most illustrious ancestress."

The compiler of this genealogy considers that although the marriages of William Herndon and Catherine Digges and of Edward Herndon and Mary Waller have not been formally proved, the circumstantial evidence submitted supports Mr. Moncure D. Conway's statements published in the *Virginia Magazine of History and Biography* in January 1902. In what follows, the fact of those marriages will be assumed.

In a separate publication now scheduled for 1949 an attempt will be made to identify William Herndon among his Kentish relatives.

Catherine (Digges) Herndon's dates have been given as 1654-1729.¹² Her death probably occurred in Caroline County and her husband's in St. Stephen's Parish, King and Queen County, of which it is known that their son Edward was a resident in 1722. As the essential records of these counties for the years concerned have been lost, we can not prove either the dates of their deaths or the details of their property interests.

Putting together the available data, we conclude that William and Catherine Herndon were the parents of at least the three sons named below.¹³ No documentary evidence in support of this assumption has been found, but they seem to be of about the same age and to have lived near one another. Unless one or more of them migrated directly to Virginia, of which there is no evidence whatever, they were probably brothers. Whether William and Catherine had any daughters can not be established from the extant records. All that we know is that among the saved Order Books, beginning in 1732, of Caroline County (which was created in 1728 from parts of Essex, King and Queen, and King William Counties) are numerous references to the Herndons.

Children of WILLIAM HERNDON and CATHERINE DIGGES:

- 2 i. Edward (1678-1758) m 1st Mary Waller,
2nd -- Leftwich
- 3 ii. James (c1683-p 1744) m Mary George
- 4 iii. William (c 1685-1759) m 1st -- --;
2nd Mrs. Sarah (----) Leftwich

FOOTNOTES ON WILLIAM HERNDON [I]

- 1 These dates first appear, so far as we know, in the sketch of WILLIAM HERNDON as an Immigrant Ancestor, on page 666 of Volume III of *The Abridged Compendium of American Genealogy*, edited by F. A. Virkus and published December 1928. They are first cited in the lineage of Dallas Tabor Herndon, Secretary of the Arkansas Historical Commission, Little Rock, Ark., on page 238 thereof. References to these volumes, when hereinafter made, will be in the following form: III Virkus 238, 666. These dates are also found in *James Clark...Mansfield...Christopher Clark and Allied Families* [p.120], compiled by Virginia Eliza (Hodge) McNaught who died in 1934, and published by her daughter Helen Fairfax (McNaught) Geary, Oakland, Calif., in 1935.
- 2 6 *Virginia Land Patents* 502, 503, preserved in the Land Office, Richmond, Va. These patents were read and transcribed by two careful persons one about the year 1900, the other about 1935. They disagreed as to the names of a few of the persons transported, as follows: Nichs (Mich) Edmonds, Wm. Mercer (Monroe), Geo. Landell (Laudill), Bridget Cross (Croft). Moreover, no attempt has been made to reproduce in this list of names all the minor variations of orthography noted on the originals, such as Wm, Wm., W'm, W^m, etc.

- 3 14 *Virginia Magazine of History and Biography* 125. This magazine is hereinafter cited as *Va. Mag.*
- 4 1 *Calendar of Virginia State Papers* 5
- 5 *Lloyd* 73, quoted in 14 *Va. Mag.* 305
- 6 19 *Va. Mag.* 358
- 7 *William and Mary College Quarterly Historical Magazine* First Series, original printing, 84, reprint edition, 141. This magazine is hereinafter cited as *Wm. and Mary* (1), for the first series, and *Wm. and Mary* (2), for the second series.
- 8 In the main body of the text of the Digges article the date of the death of Ann Digges is given as "21 Nov. 1688" both in the original and the reprint. In the reprint edition, however, the year of her death on her tombstone is given incorrectly as 1685, but correctly in the original printing, thus: "She departed this Life the 22nd day of November, 1688, in the 29th year of her Age."
1 *Wm. and Mary* (1), original, 85, reprint 142.
- 9 *Ibid.*, original 176, reprint 208
- 10 *Ibid.*, original 100, reprint 154
- 11 25 *Wm. and Mary* (1) 72
- 12 III *Virkus* 666
- 13 In 23 *Wm. and Mary* (2) 333 a fourth son was listed. He was in fact, however, a grandson of William Herndon, the immigrant ancestor. *Vide infra* 49, the account of Philip Herndon [17], son of William Herndon [4].

THE SECOND GENERATION

2 EDWARD HERNDON [1 William] was born in 1678¹ in New Kent County, Va., but as a result of the creation of new counties, his home in St. Stephen's Parish was, from 1691 to 1728, in King and Queen, and thereafter in Caroline County. The records of King William County, of which only a few fragments have been preserved, show that in 1722 Robert Farish, of St. Stephen's Parish [King and Queen], conveyed to²

"Edward Herndon, of the same County and parish...a certain parcell of Land containing fourty six acres Scituate lying and being in King Wm County and upon the South...Baylor and Francis Michael Lands being part of a Patent of the 18th Day of Aprill...with all messuages, houses, Stables...standing or belonging together with all orchards gardens ways waters Profits priviledges Commodities advantages w t soever to the same belonging..."

In this particular fragment there are also the interesting words, "a Patent for Land in the fork of Mattapony", reminiscent of the words in the grants to Edward Digges in 1653 and William Herndon in 1673/4.

RESIDENCE Edward Herndon was referred to, in a patent which was granted to him 16 June 1727 for 400 acres in Spotsylvania County, as "Edward Hernton, of King and Queen County."³ In the Caroline County records he is mentioned as of Drysdale Parish.⁴ Robert Farish was a neighbor. There is no reason to believe that Edward Herndon's residence was changed when Caroline County was erected, but merely that once more his old home was in a new county. His plantation was located at the intersection of the Main Road, down from Douge Town Bridge, and the Courthouse Road, as the latter turned up to the Maricosie Bridge.⁵ His home was also mentioned as on the road leading to the Spotsylvania Road.⁶ It was probably, therefore, near the dividing line between Caroline and Spotsylvania Counties.

ROAD MATTERS On 14 June 1733 Edward Herndon petitioned the court to have the road by his house turned. Thomas Buckner, Gent., was directed to view the same and report on the proposal at the next court.⁷ Edward Herndon seems to have had a great deal of trouble in keeping his road in good condition. On 15 January 1736/7 and 11 March 1737/8 he was presented by the Grand Jury for not keeping his road in repair, and on each occasion he was fined 15 shillings which he was directed to pay to the churchwardens of Drysdale Parish for the benefit of the poor of the parish.⁸ Two days after this second fine was imposed, Robert Lowery (who was overseer of the road from Douge Town into the Main Road by George Hoomes's house, thence along the same road to the bottom

against Edward Herndon's, and so along the Courthouse Road to Maricosie Bridge) directed Edward Herndon to keep the same in repair.⁹

On 9 November 1739 he was paid, out of the county levy, 60 pounds of tobacco "for erecting posts with inscriptions along the roadside."¹⁰ This is one of the early references in American records to the erection of signposts for the guidance of travelers.

Edward Herndon's road troubles were by no means over, for 8 February 1739/40 the Grand Jury again presented him for not keeping his road in repair and for not setting up posts as directed. Failing to appear in court, he was ordered to pay a fine of 15 shillings for each offense, and the sheriff was ordered to collect the money from him and pay it over "for uses of the King."¹¹

On 14 February 1745/6 he petitioned the court to consider the inconvenience occasioned to him by the way the road ran by his plantation. Thomas Buckner, George Hoomes, and Robert Farish were ordered to view the said road and report thereon at the next court.¹² Five years later the tables were turned when the Grand Jury presented the overseers of the road between Edward Herndon's place and the Spotsylvania Road for not having set up posts with directions inscribed thereon.¹³

HIS FIRST WIFE Edward Herndon married Mary Waller in 1698, according to Moncure D. Conway. She was born 23 May 1674 at Newport Pagnell, county Bucks, England, daughter of Dr. John Waller and Mary Pomfrett who were married 13 January 1669 at Walton, county Bucks.¹⁴ The date of her death is not of record, but it was before 11 August 1732¹⁵ and probably as early as 1720.

Two strong items of circumstantial evidence support Mr. Conway's statement of this marriage. The first has been found in the language used in the deed of gift of the 400-acre tract in Spotsylvania that Edward Herndon "of Caroline" gave "for love and affection" to his son Edward Herndon, Jr. [no place of residence stated], in 1739, the bounds of which were as follows:¹⁶

"Beginning at a Corner of Mrs. Mary Waller's (Now Mr. Zachery Lewis's) and Capt. Larkin Chew's (Now Hawkins) standing on a hill Side by a Branch thence South 72 degrees west, 292 poles to four small black Oaks on a Knowl thence north-west 220 poles to a stake on a Ridge in the poyson Field thence North 72 degrees east 292 poles to two white Oaks and a Small black Oak, Corner of Capt. Larkin

Chew's (Now Hawkins), standing on a Ridge
thence South 222 poles to the beginning Place."

The Mary Waller mentioned above was the mother of Edward Herndon's wife. The land is further identified by Edward Herndon, Sr., in the deed of gift, as follows:

"...said tract of four hundred acres of Land was Granted by patent to ye Sd. Edward Herndon bearing Date the XVith day of June MDCCXXVII..."

The second item of circumstantial evidence in support of the Herndon-Waller marriage is found in the following excerpt from a letter written by Joseph Herndon, a grandson of this Edward, being a son of the Edward who was the grantee-donee in the deed of gift above quoted, in which he speaks of his cousin Jack Waller:¹⁷

"To
Rev Mr Stevenson
Rector of St Mark's
Culpper

Dear Sir:

This being Easter day and a rainy Morning I thought that I could not employ my time better than in Giving [torn] you a Letter by [torn] way of Remembrance.... I will now tell you a passage relating to my Cousin Jack Waller. He Boldly applied to Seven Vestrymen the other day to Join him in a petition for the Sale of our Glebe....

... if it should be in your Power to help him [his son John Minor Herndon] to a Jobb at any time, the favour will be Gratefully Acknowledged by him who is at all times and in all places your Friend and

Sincere well wisher
(Signed) Jos. Herndon"

April 8'th 1787"

HIS SECOND WIFE The record in the suit involving Edward Herndon and others against William Herndon [4], described in the sketch of the said William, indicates that Edward's second wife was probably a daughter of the Thomas Leftwich, deceased, whose estate was in the process of settlement. Her Christian name is not of record. They seem to have had only one child, Esther, from whose marriage date, 23 December 1742, we have estimated that she was probably born about 1722 or 1723 and that Edward Herndon's second marriage took place about 1721.

JURYMAN Edward Herndon served 14 June 1733 as a juryman in the cases of Richard Clutterback v. William Skelton, and Edward Morgan v. Eliza Lomax, executrix of John Lomax, deceased;¹⁸ on 10 January 1733/4 in the cases of Henry Ober v. Henry White, and Suttin et al. v. T. Carr, Jr.;¹⁹ and on 13 June 1740 in the case of John Latham v. Joseph Holmes.²⁰ He served 14 November 1740 and 13 May 1743 as a member of the Grand Jury²¹

and 13 December 1745 as foreman of the jury which heard the case of Anne Eubank, v. William Carter.²² In addition, he performed jury service in cases heard on the following dates, but the names of the litigants were not copied: 13 June 1734, 14 March 1739/40, 14 August 1747, and 11 November 1749.

APPRAISER Edward Herndon was appointed by the Caroline Court on 12 March 1735 to appraise the estate of Evan Thomas, deceased.²⁴

RUNAWAY SLAVE CERTIFICATE On 11 August 1744 Edward Herndon produced a certificate from George Hoomes, Gent., for taking up a runaway slave named Guiney, belonging to James Taylor, Gent., of Caroline, which was ordered to be recorded.²⁵

GUARDIAN BONDS On 8 March 1744/5 William Herndon [4] and Robert Wright went on the bond of Edward Herndon when he was appointed guardian to Thomas, Anna, and John, orphans of John Riddle.²⁶

SUITS On 11 August 1744 Edward Herndon and James Terrell entered suit against George Tribble and Ann his wife, petitioning the Court to order Ann Tribble to give them good security for the faithful administration of a certain estate the name of which was not given. They stated that they were her bondsmen before her marriage to George Tribble, and they feared that she was liable to embezzle the estate.²⁷ On 9 October 1744 the case was dismissed.²⁸ On 10 February 1749/50 Jacob Kendrick was ordered to pay Edward Herndon £4 and costs of the suit brought by Herndon.²⁹ His last suit was heard 16 December 1752. It was Edward Herndon v. John Wither-spoon. Judgment was entered in favor of the plaintiff for 452 pounds of tobacco and costs. The sheriff attached one horse belonging to that estate, which he was ordered to sell, in order to satisfy the judgment.³⁰

LAST YEARS AND DEATH No reference to Edward Herndon during the last five years of his life is found in the preserved Caroline County Order Books. It is presumed that his death occurred shortly before the probating of his will 9 March 1758, at which time he was either 80 years of age or in his eightieth year. The Court Minute reads:³¹

"At a Court for Caroline County on Thurs-day the 9th day of March 1758....

"The Last Will and Testament of Edward Herndon, decd was presented by William and James Herndon Ex^{rs} therein named who made oath thereto According to Law and being further proved by the Oaths of James Herndon, Elisha Dismukes, and John Herndon witnesses thereto & adm^d [admitted] to record &c."

LOSS OF CAROLINE WILLS AND DEEDS Concerning the contents of that will we are in the dark, for unfortunately the Caroline Will Books and Deed Books were transferred from the courthouse at Bowling Green to the courthouse at Richmond, during the War between the States, in the belief that they would be safer there. The Court Order Books were left undisturbed in the Clerk's office in Bowling Green. It was a singularly ironic fate that the most valuable of the records, removed to a place of supposed safety, should have been destroyed by a fire originating from the action taken by the Confederates in setting fire to their own stores in order to prevent the Union forces from obtaining them, while the less valuable records, left virtually on the battlefield and in the hands of the enemy, should have escaped destruction.

INVENTORY OF HIS ESTATE The closing item in the record of the subject of this sketch is the Court Minute of 13 July 1758 which reads:³²

"Inventory of the estate of Edward Herndon returned & admitted to Record."

Who the appraisers were is not stated, nor is there any order of the Court entered which directs the filing of the inventory. No details of the contents of the inventory are given.

HIS CHILDREN In the absence of any detailed account of the settlement of his estate, it is impossible to be sure who *all* his children were. It is not probable, however, that he had other sons who lived to manhood than those named below. There well may have been other daughters than Martha and Esther, but no record of them has come down to us. The gaps between the birth years, which have been carefully estimated, suggest that.

We list John as the eldest son and Edward as the second son for two reasons. In the first place, there was a recognized custom of naming the first son for his mother's father. Thus William Herndon the Immigrant [1] had named his first son Edward in honor of Edward Digges, the child's mother's father. So this Edward seems to have named his first son John for that child's maternal grandfather Dr. John Waller, and his second son for himself as Edward, Jr. In the second place, John's children were older than the children of any of John's brothers. As John left his father's home probably before Caroline

County was created, his name is not found in the records of that county until he witnessed his father's will in 1758. That explains why Mr. Conway did not mention John, and instead called Edward, Jr., the eldest son, and William the next one. It seems likely that 1706 was the year of the birth of William, as Mr. Conway stated.

We place Richard as the fourth son. Nothing is *known* about him except the one citation to his service as a witness in Caroline in 1732, but he *seems* to have been the ancestor of the Orange County, N.C., Herndons, except those who descend from the above-mentioned John.

David received a Spotsylvania patent in 1732 because of the generous act of Edward, Jr. [his brother], who asked the Lieutenant Governor to assign the land to David. We place David, who later on lived close to John [5] in Charlotte County, as the fifth son. Next among the sons comes James with whom Edward, Jr. [6], had dealings in Orange County, Va.

Martha, who married William Watkins and lived all the latter part of her married life in Charlotte County where her brothers John and David also lived for certain years, was the oldest daughter of whom we have knowledge. Esther who married Henry Elley in Spotsylvania in 1742 was the youngest child, so far as we know.

Children of EDWARD HERNDON and MARY WALLER:

- | | | |
|------|-------|--|
| 5 | i. | John (c 1700 - 1786) m twice |
| 6 | ii. | Edward (c 1702-1759) m1st Elizabeth, probably Stubblefield; m 2nd Mary Brock |
| 6-a | iii. | possibly a daughter (c 1704 - ---), no information |
| 7 | iv. | William (1706 - 1783) m Ann Drysdale |
| 8 | v. | Richard (c 1708 - p 1754) m twice |
| 9 | vi. | Martha (c 1710 - c 1766/7) m William Watkins |
| 10 | vii. | David (c 1712 - 1795) m Mary, probably Lewis |
| 10-a | viii. | possibly a daughter (c 1714 - ---), no information |
| 11 | ix. | James (c 1716 - c 1764) m Valentine Haley |

Child of EDWARD HERNDON and --- LEFTWICH:

- | | | |
|----|----|--|
| 12 | x. | Esther (c 1723 - p 1767) m Henry Elley |
|----|----|--|

FOOTNOTES ON EDWARD HERNDON [2]

- 1 *Vide supra* 5
- 2 2 *King William County Records* 91.
- 3 13 *Virginia Land Patents* 91
- 4 *The Caroline County Court Order Books* are hereinafter cited as *COB*. For this reference, *Vide* 1 *COB* 395, 472.
- 5 *Ibid*, 415
- 6 3 *COB* 255
- 7 1 *COB* 78
- 8 *Ibid*, 395, 472
- 9 *Ibid*, 415
- 10 *Ibid*, 565
- 11 *Ibid*, 583
- 12 3 *COB* 16
- 13 *Ibid* 255
- 14 *Parish Register of Newport Pagnell*, co. Bucks, quoted in 22 *Wm. and Mary* (2) 312, 313
- 15 By this date he seems to have married a daughter of Thomas Leftwich, deceased, as mentioned *infra* 14
- 16 *C Spotsylvania Deeds* 147
- 17 Original owned by Mrs. James Robertson Blackie (nee Ellen Arthur Botts) of Ferndean, Cove, Dumbartonshire, Scotland, formerly of Fredericksburg, Va.; copy furnished by Mr. John Waterhouse Herndon of Charlottesville, Va.
- 18 1 *COB* 79, 80
- 19 *Ibid*, 113, 114
- 20 *Ibid*, 616
- 21 2 *COB* 16, 179
- 22 *Ibid*, 547
- 23 1 *COB* 143, 586, 587, 3 *COB* 56, 182
- 24 1 *COB* 331
- 25 2 *COB* 313
- 26 *Ibid* 350
- 27 *Ibid* 306
- 28 *Ibid* 325
- 29 3 *COB* 205
- 30 *Ibid* 372

3 JAMES HERNDON [1 William] was born probably about 1683 in New Kent County, Va. In 1692, as has been previously mentioned, King and Queen County was created out of New Kent. In the Quit Rent Roll for King and Queen County, 1704, James Herndon was charged with ownership of 100 acres of land.¹ In all probability these acres were a part of the original grant made in 1673/4 to his father William Herndon.

Since there is a steady stream of references to James Herndon in the Order Books of Caroline County until March 1743/4, when it suddenly ends, it would appear reasonable to assume that he died shortly thereafter or removed to another county whose records have not been preserved. References to persons named James Herndon reappear in the Caroline Order Books after seven years but they seem definitely to relate to other persons than the subject of this sketch, and will be mentioned in their appropriate places.

On 13 July 1732 James Herndon's suit against John Hurt for debt was dismissed. On 10 August 1732, however, he again brought suit against Hurt who failed to appear, and an *alias capias* was issued against him. The case was continued 14 September 1732. At the October term of court, the defendant having failed to appear, judgment was awarded to the plaintiff and on 12 April 1733 the case was ordered closed.²

On 11 April 1734 there was ordered to be recorded a deed of lease and release of land indented from Robert Taliaferro to James Herndon.³ On 8 November 1734 the latter in open court confessed his indebtedness to Robert Taliaferro in the sum of £11 8s. which James Herndon was ordered to pay.⁴ That same day James Herndon served as a member of the grand jury.⁵

There was ordered paid to James Herndon 13 December 1734 out of the county levy 210 pounds of tobacco, as per his account, but for what service is not stated.⁶

On 11 June 1736 a deed of lease and release from him to one William Herndon [relationship not stated but probably his son] was ordered to be recorded.⁷

On 12 November 1736 he served as a juryman and again 8 July 1737, 14 April 1738, 9 June 1738, 9 March 1739, and 8 June 1739.⁸ On 14 May 1740 he again served on the grand jury, and later on petit juries 12 December 1741, 9 April 1742, and 10 March 1743/4.⁹

On 9 June 1738 James Herndon was designated to work upon the road of which Thomas Buckner,

gent., was surveyor. On 14 November 1740 he and James True petitioned that Thomas Buckner and James Ware view and lay off the most convenient way from the Rolling Road into the Main Road by John Robinson's house for them, to be returned at the next court.¹⁰ He was appointed 10 March 1743/4 surveyor of the roads from Capt. Buckner's mill to the road by Mary Powell's laid off by Thomas Buckner, gent., and James Ware. The court ordered Richard Buckner, James True, James Ware, Edward Crowley, James Atkins, and Joseph Jeter's hands were to assist him.¹¹

On 11 May 1739 James Herndon was summoned to appear at the next court to answer an information. As he failed to appear 9 June 1739, an attachment was issued against his property returnable at the next court. On 13 June the case was continued. On 10 August 1739 he pleaded not guilty; a jury was impanelled; he was acquitted, and the case discontinued.¹²

He was defendant in two other suits both of which were decided against him; the first for assault and battery in which the plaintiff was named Joshua Longest, and the second in which William Lawson was awarded a judgment of £2 12s. 2d. current money and costs.¹³

HIS WIFE According to two of the descendants of this James,¹⁴ his wife was Mary George, a descendant "of the royal house of Wales". They have offered no proof and have given no information that would positively identify her. They believe her to be the oldest daughter of Robert George (1666-1734) and his wife Sarah Elliott (----1734) who were married 6 July 1687 in Middlesex County, Va. As the first of the children of that couple mentioned in *The Parish Register of Christ Church, Middlesex County, Va.* was Catherine George, born 1689/90, Mary would have to be assumed to have been born about April or May 1688. As we have no information to the contrary, we mention her below as the mother of the children of James Herndon.

HIS CHILDREN As there is in existence no record of the settlement of his estate, we cannot say with certainty who his children were. Since it was from certain of the descendants of the Herndons who had moved from Chatham County, N.C. to Logan County, Ky., that information came that their ancestor had married Mary George, and since it was William Herndon, whose family settled in Chatham County, N.C. (certain of whom removed to Logan County, Ky., as will at length later appear), it follows that the aforesaid William was of the family of this James Herndon. This William was probably, moreover, the one to whom James Herndon deeded land in 1736, as mentioned above. As there were three Edward

Herndons in the third generation, all mentioned in the Caroline records, it follows that each of the sons of William the immigrant had a son named Edward, and since the identity of Edward's son Edward and William's son Edward is established, it follows that the remaining Edward, the one whose wife seems to have been named Ann Collins, was necessarily a son of this James Herndon. Furthermore as there were two John Herndons in the third generation, one being established as a son of Edward, it follows that the other John, the one who married Jane ---, was a son of this James Herndon, because the

names of the children of William, brother of this James, are of record and do not include a John. Joseph who married Mary Boswell is assumed to be another son of this James Herndon because of the known close relations between Joseph's children and John's children.

Children of JAMES HERNDON and MARY GEORGE

- 13 i. William (c 1706 - 1773) m Sarah Poe
- 14 ii. Edward (c 1709 -p 1743) m Ann Collins
- 15 iii. Joseph (c 1716 - c 1757) m Mary Boswell
- 16 iv. John (c 1718 - 1769) m Jane ----

FOOTNOTES ON JAMES HERNDON [3]

- 1 32 Va. Mag. 144: Wertenbaker, *The Planters of Virginia*, 227.
- 2 1 COB 34, 45, 66
- 3 *Ibid* 134
- 4 *Ibid* 166
- 5 *Ibid* 166
- 6 *Ibid* 168
- 7 *Ibid* 346
- 8 *Ibid* 386, 434, 477, 487, 525, 537
- 9 *Ibid* 611, 2 COB 87, 88, 100, 109, 262
- 10 1 COB 486, 2 COB 14
- 11 2 COB 262
- 12 1 COB 533, 539, 547, 556
- 13 2 COB 79, 90, 114
- 14 These are Mrs. William Day Dickinson, 313 Cleveland Ave., Glasgow, Ky., and Mrs. Luke Hodges, 2002 Speedway, Wichita Falls, Texas.

4 WILLIAM HERNDON [1 William] was born, probably about 1685, in New Kent County, Va. All that we know of him, however, is obtained from the Order Books of Caroline County for the period from 1732 to his death in 1759.

JURYMAN He served on the grand jury 11 November 1735 and on juries hearing the following cases between 11 May 1732 to 9 May 1740: James White v John Pickett, Richard Williams v John Downes, George Hoomes v James Fleming, James Montair v William Lilley, John Taliaferro v Robert Dudley et al., Head Lynch v Nicholas Lankford, Elizabeth Stanard v Ann Downing, John Garratt v John Yarbrough, John Holden v Joshua Bycroft, John Martin v William Powell, Robert Dudley v Thomas White, Hance Hendrick v Henry Burk, Thomas Morris v George Senior, John Natts v Anthony Arnold, and John Cook v Joel Terrell.¹

CONSTABLE On 14 July 1738 William Herndon was "appointed constable of the precinct where William Harrison was then serving."² On the 10th of the following November the Court ordered that he be "paid 166 lbs. tobacco out of County Levy for his Services as constable."³ On 9 February 1738/9 as constable he "gave information against several persons as tenders of seconds"⁴ a technical legal phrase meaning that he accused them of cultivating second growths from tobacco, a practice forbidden by statute.

On 13 April 1739 the Court adopted the following minute:⁵

"Robert Farish, gent. sheriff and Benjamin Rennolds and John Wiley undersheriffs; Wm. Allcock, John Garrett, John Miller, Jr., and Francis Stern Inspectors; and Wm. Herndon, John Sanders, Richard Billops, and Timothy Ellis, constables appeared and took the oath prescribed by the Act for the further Continuing and Amending the Act for amending the Staple of Tobacco, and for preventing frauds in his Ma'tys Customs... William Herndon, John Sanders, Richard Billops and Timothy Ellis Constables took an oath well and truly to present all offences which they shall know to be made against the Act for better preservation of the breed of deer, and for preventing unlawful hunting."

On 8 August 1740 the Court, taking cognizance of a charge against William Herndon, ordered⁶

"Zachary Lewis Gent. deputy Attorney for this county [to] draw an information against William Herndon Constable (to whom John Brooks a soldier taken up and listed pursuant to the late Act of Assembly was delivered to be conveyed to Williamsburgh) for letting the said Brooks escape out of his custody."

What report was made in this matter and what action taken cannot be ascertained, because

pages 1 to 6, inclusive, of Order Book #2, covering the period immediately following this date, are missing. It seems likely, however, that William Herndon was removed from office, for references to him as constable then cease.

THE TWO IMPORTANT SUITS William Herndon was defendant in two suits of especial interest to us. The first of these was entitled "Richard Straughn, Edward Herndon and John Nichols, plaintiffs, against William Herndon, and Sarah his wife, defendants." The second was that of "Thomas Leftwich, plaintiff, against William Herndon and Sarah, his wife, late Sarah Leftwich, ex^{tr} &c of Thomas Leftwich, decd., defendants."

On 10 August 1732 the first of these cases was first mentioned in the extant records. The Court minute of that date reads:⁷

"It is ordered William Herndon be summoned to next court to answer the petition of Richard Straughn and others."

At the session of the court held 14 September 1732 the petition was continued, but on 12 April 1733 the order adopted read:⁸

"On the petition of Richard Straughn, Edward Herndon, and John Nichols agt. William Herndon Its ordered the said William Herndon either give other security or deliver to the petitioners the estate of Thomas Leftwich, deceased, by next court."

As he failed to do this, the court on 9 August 1733 ordered an attachment returnable at the next court. No further reference is made to this case again until 10 January 1733/4 when the court ordered⁹

"John Martin, gent., settle the account of the Estate of Thomas Leftwich, decd., in the hands of William Herndon and Sarah his wife, and deliver the ballance to the petitioners or give Count² security before next court."

On 14 February 1733/4 the court fixed "next Munday" as the date on which the settlement was to be effected by William Herndon "before John Martin, Gent." Nearly final action then seemed to be taken -- but it was apparently a delaying action which caused the second suit to be begun -- for on 14 March 1733/4 the court approved the following order:¹⁰

"Upon the petition brought by Richard Straughn and others ag William Herndon and Sarah his wife, John Martin, gent. was appointed to settle the estate of Thomas Leftwich, deceased, and having made his report that William Herndon, Sarah his wife, and John Randall have paid four thousand eight hundred and three pounds of tobacco and fourteen pounds five shillings and six pence,

Its thereupon ordered that the said William Herndon and Sarah his wife deliver the ballance of the estate to the petitioners."

At the court held 11 April 1735 there is the first mention of the other suit. Therein Sarah Herndon, wife of William, is called "late Sarah Leftwich". She and her husband are called "Extx &c", implying probably that William Herndon became responsible as an administrator of the estate of Thomas Leftwich by virtue of his marriage to Sarah Leftwich, the executrix. The respondents not appearing, an attachment for their personal appearance at the next court was ordered to answer the complainant's bill. On 13 June 1735 the case was continued, and on 8 August 1735 again continued, at the defendants' cost. The respondents not appearing at the 10 October 1735 court, an attachment was issued for their appearance at the next court to answer the bill against them or to be fined five shillings. The court, however, on 13 February 1735/6 permitted the defendants to have until the next court to file their reply to the bill against them. By consent of both parties to this suit, the court on 14 May 1736 ordered John Martin, George Hoomes, and Robert Woolfolk, or any two of them, to examine the estate and settle the accounts and differences, and to report to the next court. In September, October, November, January, and February following, the case was regularly continued "for audit." The auditors reported to the court 8 July 1737 that £6 5s. 10d. current money was due the complainant. The respondents were ordered to pay that sum, together with attorneys' fees, and the money expended since November 1736.¹¹

During the progress of this latter suit Sarah Herndon had appeared for three days as a witness for Richard Straughn (presumably her brother-in-law) in the suit of Lantor v Straughn, settled 12 March 1735/6.¹²

From the study of the Leftwich family relationships by Walter Lee Hopkins¹³ we know that Thomas Leftwich was born between 1660 and 1670, that he was three times married, that he died about 1730; that his first wife was Elizabeth Rosier (d.s.p.ca.1701); that his second wife was named Mary, daughter of Augustine and Dorothy North; and that they had at least two sons, Thomas, plaintiff in the chancery suits above mentioned, and Augustine, born about 1712, and a daughter named Mary; and that he married as his third wife Sarah ----, who was named in his will as executrix; that she soon married William Herndon, and in accordance with a court order William and Sarah Herndon were made, what we should now call administrator and administratrix, c.t.c., of the estate of William Leftwich, deceased.

From the facts in the foregoing suits we conclude that Thomas Leftwich had other daughters, probably children of his second wife, and that one of them married Richard Straughn, that another married Edward Herndon, and that another was the wife of John Nicholls.

OTHER SUITS AT LAW William Herndon was the plaintiff in suits against William Brumley, Richard Booker, and Richard Watkins at dates between 14 June 1733 and 12 December 1741, and defendant in suits brought against him by William Eckolls, George Tilly, and John Gibson at dates between 10 August 1732 and 13 November 1735. The judgments involved sums of tobacco between 50 and 1,433 pounds. The cases are without genealogical significance.¹⁴

ADMINISTRATOR OF ESTATE William Herndon was appointed administrator of the estate of Evan Thomas, deceased, with Samuel Coleman as security, 12 March 1735/6.¹⁵ At the same time his brother, Edward Herndon, was appointed appraiser, as previously mentioned.

ROAD MATTERS No record of the appointment of William Herndon as overseer of the road in his neighborhood having been found, but a record of his resignation being noted 13 May 1737, we must conclude that he had served in that capacity from a date earlier than the beginning of the earliest extant order book, in other words, before 1732. On the date mentioned the Court adopted the following order:¹⁶

"Its Ordered George Hoomes gent be Overseer of the Road from the Church road below Durrum (sic) to the Douge Town road above the sd Hoome's house and in the room of William Herndon and to have Coll Grymes's people and his own to clear the same and that he keep the same road in repair Accrdg to Law."

On 15 January 1736/7 Thomas Bruckner and Robert Smith were fined 15 shillings each, while William Herndon and Samuel Coleman were jointly fined 15 shillings, for not keeping their road in repair. The court directed them to pay those fines to the churchwardens of Drysdale parish, to be expended by them "for use of ye poor of the said parish."¹⁷

SERVICE AS WITNESS On 13 June 1740 Jacob Johns was ordered to pay William Herndon fifty pounds of tobacco for two days' attendance "as an evidence for him against John Hunt."¹⁸

RUNAWAY SLAVE CERTIFICATE William Herndon produced a certificate 24 August 1744 from George Hoomes, gent., for taking up two runaway slaves: one belonging to Wm. Walker, of Stafford County; the other, named Jenney, belonging to William Thorpe, of King and Queen County.¹⁹

SURETY William Herndon and Robert Wright were accepted 8 March 1744/5 as securities for Edward Herndon who was appointed, as has been already noted, guardian to three of John Riddle's orphans.²⁰

DEEDS The only deeds of record to which William Herndon was a party were those referred to in the following court minute, dated 14 February 1745/6:²¹

"Wm. Herndon's Deeds of Lease and Release Indented to Edward Herndon [presumably his son] was proved by the oaths of John Pickett, Jr. Wm. Megee, and John Corner, witnesses thereto and ordered to be recorded."

EXECUTOR OF HIS BROTHER'S WILL It will be recalled that when Edward Herndon's will was presented in 1758 for probate, the executors were William and James Herndon. William was probably his brother. James was doubtless Edward's son James. A witness thereto was John, presumably Edward's eldest son.

HIS DEATH, WILL, ETC. The next reference to William Herndon in the Caroline records is dated 13 September 1759 and reads as follows:²²

"Sarah, relict of William Herndon, came into court and declared that she would not take or respect the legacies given her by the last will of William Herndon."

It would therefore seem likely that he died a short time before that date. Since most wills were offered for probate within two weeks after the maker's death, late August or early September 1759 was probably the time of the decease of William Herndon.

Two months later Robert, Richard, and John Woolfolk, together with John Herndon [5] were appointed appraisers of this estate, and 13 December 1759 the inventory was returned and admitted to record.²³ The final entry tells us that James Herndon was the executor, but why he was summoned to court, or what the result of

that summons was, or what action was taken on the petition of Sarah (Leftwich) Herndon, is not revealed in the existing order books. All we know is that on 10 January 1760:²⁴

"On the motion of Wm. Johnston Thomas Jones security for James Herndon on acct of the executorship of William Herndon its ordered the sd James be summoned to Court."

HIS CHILDREN Because Philip Herndon, of Caroline, filed a certificate in Essex County in 1759 transferring to his brother James certain slaves which had come to him from the estate of their father William, and Benjamin Atkins, of Lunenburg, did the same with regard to the slaves which his father-in-law, William Herndon, had left to him, we know who three of the children of William were, although the given name of the wife of Benjamin Atkins is not known to us.

In addition, there was the third Edward of the third generation, another son of this William. In fact, when Philip left Caroline County, his possessions were left with Edward.

From the ages of these children it is certain that they were children of William Herndon's first wife whose name we do not know. There is nothing to indicate that William Herndon's second wife bore him any children.

Children of WILLIAM HERNDON and his first wife:

- 17 i. Philip (c 1715 - p 1760) m -----
- 18 ii. daughter, m Benjamin Atkins, who in 1760 was of Lunenburg County when he sold "to his brother-in-law James Herndon of Essex County negroes formerly belonging to his father William Herndon, being the remainder of his father-in-law's estate due him."²⁵
- 19 iii. James (c 1720 - 1767) m Hannah -----
- 20 iv. Edward (c 1722 - 1806) m -----

FOOTNOTES ON WILLIAM HERNDON [4]

1 1 COB 6, 27, 50, 120, 164, 290, 302, 303, 311, 316, 352, 354, 367, 369, 409, 605, 606

2 Ibid, 489

3 Ibid, 507

4 Ibid, 527

5 Ibid, 531

- 6 *Ibid*, 630
- 7 *Ibid*, 26
- 8 *Ibid*, 42, 66
- 9 *Ibid*, 98, 117
- 10 *Ibid*, 121, 130
- 11 *Ibid*, 286, 299, 303, 311, 325, 340, 435
- 12 *Ibid*, 332
- 13 Walter Lee Hopkins: *Leftwich-Turner Families of Virginia and Their Connections* esp.pp.12-13 and 15-16.
- 14 1 COB 85, 293, 324, 342, 384, 390, 397, 399, 405, 492, 2 COB 91.
- 15 1 COB 331
- 16 *Ibid*, 415
- 17 *Ibid*, 395
- 18 *Ibid*, 617
- 19 2 COB 313
- 20 *Supra* 8, 2 COB 350
- 21 2 COB 564
- 22 5 COB 73
- 23 *Ibid*, 85, 87
- 24 *Ibid*, 93

THE THIRD GENERATION

5 JOHN HERNDON [2 Edward] was born about 1700, probably in King and Queen County, Va. It is likely that he was named for his mother's father, Dr. John Waller. As there is no mention of him in the early Caroline records, which begin in 1732, we do not know in which of the counties whose records have been destroyed he lived prior to 1757 when we find him mentioned as a resident of Cumberland Parish, Lunenburg County, in a bill of sale dated 30 May of that year, when he purchased from William Moore for £50 a negro woman named Sue, which was recorded 1 November 1757.¹

FAMILY VISITS Shortly before his father died, John went to Caroline County, apparently to be with him in his final days, for he was a witness to his will which was offered for probate 9 March 1758.² Soon thereafter he seems to have gone to visit his brother Edward in Spotsylvania. There he witnessed Edward's will 4 February 1759, but did not remain to testify as a witness thereto when it was offered for probate 5 November 1759,³ but instead he returned to Caroline County where 8 November 1759 the Caroline court appointed him an appraiser of the estate of his uncle William.⁴

HIS RESIDENCE--CHARLOTTE COUNTY Charlotte County was erected from Lunenburg in 1765. The rest of his life he was a resident of Charlotte. On 11 January 1770 he purchased from Thomas Morris, of Brunswick County, for £410 current money 740 acres on the north side of the Stanton River. The following year he executed a deed of trust for this property to Richard Jones, of Halifax County.⁵

GIFT TO HIS SON JOSEPH By a deed of gift dated 30 March 1782 he conveyed to Joseph Herndon the land on which he lived (actually it was the land on which they lived), containing 374 acres, and certain other property. The consideration was "love and affection to [my] son." The real estate adjoined the lands of Colonel Lewis Burwell, Adam Finch, and Thomas Hord. The personal property consisted of six slaves, and all the cattle, hogs, sheep, household and kitchen furniture which John Herndon owned, together with a mare named "Aga", a three-year old gelding, and a one-year old colt. The deed of gift was recorded 2 September 1782.⁶

HIS TAXABLE PROPERTY In 1782 John Herndon was taxed £1 2s. 6d. on his 374 acres which were assessed at £112 4s. His personality consisted of 13 slaves named Humphrey, Peter, Caesar, Braddock, Prince, Grace, Phyllis, Phill, Breck, Suckey, Ned, Tom, and Rachel. The following year that list included Amey. The assessment was then entered against Joseph and John Herndon. They

owned 7 horses and 50 head of cattle. Only six taxpayers in the county had more extensive personal property: Edward Moseley, Sr., Thomas Hord, Mary Read, Thomas Bedford, Sr., Edwin Ruffin, and Wood Jones. Paul Carrington owned the greatest number of cattle--70. Three years later at the time of John Herndon's death, he and his son Joseph were jointly taxed on 13 slaves, nine horses, and 55 cattle.

HIS MARRIAGES That he was twice married is judged from the dates of birth of his children, as well as the fact that his will contained no real bequest to the two oldest. He may well have long before given them their share of his estate when they married and left home. There is no record of the name of either of his wives.

HIS WILL Three years later the old gentleman made his last will and testament in the following language:⁸

"In the name of God Amen: I, John Herndon, of the County of Charlotte, being in perfect health and sound in mind and memory, do make this my last will and testament, viz.: I leave my soul with God that gave it, my body to be buried at the discretion of my executors, in a full assurance of its resurrection at the last day; and as it has pleased Almighty God to bestow on me a small share of this world's wealth, I mean to dispose of it in the manner and form following:

"Item, I give and bequeath unto my son John Herndon one shilling sterling and no more.

"Item, I give and bequeath unto my daughter Priscilla Langford one shilling sterling and no more.

"Item, I give and bequeath unto my son James Herndon two negroes, namely Caesar and Prince, and no more.

"Item, I give and bequeath unto my daughter Mary Clayton, the wife of Thomas Clayton, three negroes, namely Peter, Braddock, and Breck, and their increase, to her and her heirs and assigns forever.

"Item, I give and bequeath unto my daughter Ann Tureman, the wife of Martin Tureman, four negroes namely, Lott, Edmund, Tom and Amey and their increase, to her and her heirs and assigns forever.

"For which I appoint and ordain my son Jacob Herndon and James Watkins whole and sole executors of this my last will and testament, making void all other writings, wills and testaments heretofore made except the deed of gift I made my son Joseph Herndon.

"In witness whereof I have set my hand and fixed my seal this 16th day of November, one thousand seven hundred and eighty five."

PROBATE John Herndon signed this will in the presence of Thomas Finch, John Finch, and Matthias Mealer. The will was offered for probate at a court held for Charlotte County, 5 June 1786, and Jacob Herndon appointed executor, James

Watkins [nephew of the testator], the other executor, renouncing "in open court the burden and execution of the said will."

Children of JOHN HERNDON and his first wife:

21 i. John (c 1724 - p 1785) m Sarah Pomfrett

22 ii. Priscilla (c 1727 - p 1785) m ---
Langford; lived in Granville County,
N.C., in 1767, where she witnessed a
deed of gift from her brother John to
his son Pomfrett:⁹ nfi.

Children of JOHN HERNDON and his second wife:
23 iii. James (c 1734 - p 1785); was not living
in Charlotte County, Va., at the time
of his father's death; nfi.

24 iv. Jacob (c 1736 - 1796) m ---

25 v. Mary (c 1738 - p 1785) m Thomas Clayton

26 vi. Ann (c 1740 - p 1785) m Martin Tureman

27 vii. Joseph (c 1743 - 1805) m 1st ---- Nether-
land; 2nd Mrs. Mary Magdalene (---)
Rawlings

FOOTNOTES ON JOHN HERNDON [5]

1 5 *Lunenburg Deeds* 57

2 4 *COB* 339

3 B *Spotsylvania Wills* 435

4 5 *COB* 85

5 2 *Charlotte Deeds* 317, 414

6 5 *Charlotte Deeds* 10

7 From tax records of Charlotte County, preserved in the Virginia State Library (Archives Division),
Richmond

8 1 *Charlotte Wills* 382

6 EDWARD HERNDON [2 Edward] was born about 1702, presumably in King and Queen County. We have no court references to him until 6 June 1732 when the Spotsylvania court ordered Catherine Bolding to pay Edward Herndon, Jr., for one day's attendance at court, as a witness for her in her suit against Patrick Bolding.¹ This Edward was regularly called "junior" in the Spotsylvania records whenever there was any possibility of confusion as to whether he or his father was meant. Such was not likely, however; after he had established himself on the land which his father "for natural love and affection" gave him on 2 September 1735 consisting of the 400-acre tract which had been patented to him 16 June 1727. Whenever the name Edward Herndon, Jr., appears in the Spotsylvania records after about 1750, except in reference to this particular piece of property, the son of the subject of this sketch is probably intended, until, after the lapse of many years, that son's son, another Edward, Jr., is meant.

WITNESS IN COURT The Spotsylvania Court on 2 May 1733 ordered Gerard Vanupsall to pay Edward Herndon, Jr., for two days' attendance as a witness for him in his suit against Adcock Hobson, together with costs, alias execution. At a court held 7 March 1737 Joseph Thomas was ordered to pay Edward Herndon, Jr., 25 pounds of tobacco for one day's attendance as a witness, as the law directed, in his suit against C. Curtis. On 3 May 1737 the court ordered David Kinkead to pay Edward Herndon, Jr., for two days' attendance as his witness in the suit of James Atkins. Edward Herndon, Jr., was a witness for George Musick, Daniel Musick, Ephraim Musick, William Wood, and Jeremiah Dean in their suit against John Bush, and the court on 6 September 1737 ordered them to pay him 50 pounds of tobacco for two days' attendance, as the law directed. On 3 August 1743 the court ordered William Henslee to pay Edward Herndon (without the Jr.) 75 pounds of tobacco for three days' attendance as a witness in the suit brought against Henslee by Joseph Roberts.

WITNESS TO DEEDS Edward Herndon, Jr., witnessed the following deeds for friends and neighbors: William Johnston, 4 September 1733; John Foster, 7 May 1734; Richard Phillips and Thomas Ballard Smith, 23 September 1734; William Bradburn, 6 October 1735; John Waller, Jr., 30 November 1738; John Holloday, 16 January 1740, the other witnesses to these deeds being: Daniel Gwynn, Robert Johnson, Josh Asken, R. Eastham, William Waller, William Henderson, John Waller, Robert Huddleston, Philip Vincent Vass, and Benjamin Holloday.

He also witnessed with William Waller, G. Home, Antho. Strother, Z. Lewis, Robert Turner,

Jos. Neavell, and Joshua Thomas the following deeds: Edward Franklyn, of St. Mark's Parish, Orange County, to George Carter, of Spotsylvania County, 1 July 1735; Anthony Thornton, of Stafford County, Gent., to Sharshall Grasty, of King and Queen County, 4 November 1735; Mary Abney, of St. Paul's Parish, Hanover County, to Edwin Hickman, of Spotsylvania County, 4 November 1735; William and Christian Tapp, of St. Mark's Parish, Orange County, to William McWilliams, of Spotsylvania County, 7 June 1737. On 7 April 1741 Edward Herndon and Thomas Stubblefield witnessed two deeds from Henry Elley, of Spotsylvania, to Robert Spilsbe Coleman, of Essex. (Later that year Henry Elley married Edward Herndon's sister Esther.) On 2 October 1744 Edward Herndon, A. Foster, and Edmund Foster witnessed a deed from Anthony and Jane Ghoulston, of St. George's Parish, Spotsylvania Co., to William Pollard of St. Thomas Parish, Orange Co., and on 1 October 1745 William Kenly, Edward Herndon, and William Hughes witnessed a deed from Richard Todd, of King and Queen Co., to William Lynn, of Fredericksburg, "Dr. of Physic."

GUARDIAN BONDS On 6 October 1741 Edward Herndon and Thomas Ship were on the bond of Richard Ship, guardian of Mary Roy, and on 3 November 1741 Edward Herndon and J. Farish were bondsmen for John Gordon, Jr., guardian of Saray Roy, both orphans of James Roy, deceased.

CONTRACTOR On 6 April 1742 Edward Herndon and William Waller let the contract for building a bridge over the Lewis River, in Spotsylvania County, to George Stubblefield, for 1,400 pounds of tobacco.

APPRAISER The Spotsylvania Court on 14 August 1742 appointed Moseley Battaley and Edward Herndon appraisers of the estate of Thomas Morris. They submitted their report to the court 6 September 1742, the bill for their services being £5 17s. On 3 July 1744 John Thornton, Henry Willis, and Edward Herndon were appointed appraisers of the estate of William Burbridge.

LEASE AND SALE The 400-acre tract given by Edward Herndon, Sr., [2] to his son Edward, Jr., [6] was leased by the latter (his wife Elizabeth Herndon joining in the lease) on 3 October 1743, to George Stubblefield for one year, the consideration being 5 shillings. On 4 October 1743 Edward Herndon, Jr., and Elizabeth his wife sold the above-mentioned property to George Stubblefield for 4,000 pounds of tobacco and £41 1s 6d in currency.

PATENT On 30 March 1743 in consideration of the payment of 35 shillings Governor William Gooch issued

"a patent to Edward Herndon the Younger for a certain tract or parcel of land containing three hundred and thirty-seven acres, lying and being in the County of Spotsylvania on the branches of the Mattaponi River and bounded as followeth, to wit: Beginning at a stake in a meadow in the line of M'r Joseph Brock's and M'r Bowker's Line six poles distant from M'r Brock's corner white oak and spanish oak standing on a point on the upper side of Achilles branch; Thence keeping the line of said Bowker's Patent mentioned to be north 12 degrees East, but now bears North 11 degrees East, one hundred and ninety-eight poles to a double white Oak and another white oak and red Oak all saplings the s'd Bowker's and Rob't Coleman's Corner Standing at the head of a small valley; Thence keeping the said Coleman's line mentioned to be north sixty-five degrees West, but now bears North 66 degrees west three hundred and two poles to a stake between a white oak and Spanish oak bushes on a hillside on the South West side of a Glade and corner of the s'd Coleman's and Hugh Sanders; Thence South seven degrees and a half West one hundred and ninety-two poles to two red Oaks saplings by a white Oak and Red Oak sapling standing on a level in side of a point and corner of the s'd M'r Brock's and Ignatius Tureman, and Thence keeping the said Brock's line south 65 degrees East two hundred and ninety poles to the beginning.

"This land, with all houses, outhouses, orchards, woods, etc.;" TO BE HELD of us (George II) our heirs, successors as of our Manor of East Greenwich in the County of Kent in fee and common socage and not in capite by Knights service."

For this grant he was to pay on the Feast of Saint Michael the Archangel fee rent of one shilling for every fifty acres, and to cultivate at least three acres out of every fifty granted. If this was not done within three years he was to forfeit the land.

LEASE AND SALE OF PATENT On 4 September 1744 he and his wife Elizabeth leased the above land, containing 337 acres, to Dr. Thomas Foster for one year for "5 shillings and one ear of Indian corn", and this, together with a deed of sale and release was recorded, the consideration for the latter being £26 6s, the witnesses to the deed being William Lynn, Wm. Smith, and Charles Boreman.

LAWSUITS The Order Books of the Spotsylvania Court, beginning with the court held Tuesday 1 June 1736 refer to a great many cases between that date and 6 June 1749 in which Edward Herndon, Jr., figures as plaintiff--on petition or by attachment. These are evidently cases in connection with his duties as Deputy Sheriff or Sheriff of the county. In one suit, however, he appears as defendant, William Beverley, Gent., being the plaintiff. In the record of that case

in the session of the court held 6 May 1740, he is described as "Edward Herndon, otherwise called Edward Herndon of the County of Spotsylvania". The amount involved was £52 current money and 40 shillings damages. Beverley moved for a new jury, but this request was rejected and, in accordance with the jury's verdict, Edward Herndon moved for a non-suit.

PROPRIETOR OF AN ORDINARY The Spotsylvania County Court on 8 November 1738 granted "the petition of Edward Herndon, Jun'r to keep an ordinary at his dwelling at the forks of the roads about eight miles above Fredericksburg," he having given bond in the sum of 10,000 pounds of tobacco, George Stubblefield being his security, and paying the Governor's dues, as the law directed, they being £1 15s. This license, issued by John Waller, Clerk of the Court, and witnessed by Edward Waller [both cousins], provided that "good wholesome and cleanly lodging and Dish for traveller and Stables fodder and Provender etc. for horses" be furnished, and that he was "not to permitt persons to tipple or drink more than necessary". This license was renewed 6 November 1739. Before the year was out, 7 October 1740 to be exact, Edward Herndon gave his consent to have Benjamin Powell maintain the ordinary instead of himself, and went security for him. Within a month, 4 November 1740, however, the license was renewed in the name of Edward Herndon, with Edward Waller as his security. The license was renewed 4 November 1741 with John Waller as security, and 3 November 1742, and 3 November 1743 with Edmund Waller as security. Renewals are also noted in the records for 1744, 1746, and 1747. These probably continued till his death, for on 1 October 1759 Mary Herndon, his widow, was "granted permission to keep an ordinary at her house, having given bond etc. as the law directs." which license was renewed 2 March 1761.

SLAVE OWNER On 5 August 1740 Peter, a negro boy belonging to Edward Herndon, Jr., was adjudged to be twelve years of age.

JURYMAN On 3 November 1741 Edward Herndon was foreman of the Grand Jury whose other members were Thomas Duerson, Joseph Collins, John Durrett, William Miller, John Wigglesworth, Henry Lewis, George Carter, Robert Coleman, Sam Hensley, Patterson Pulliam, Benjamin Martin, Peter Montague, Hugh Saunders, George Woodroof, James Brown, Frances Turnley, Henry Rogers, James Lea, Ignatius Tureman, and Thomas Cartwright.

ROAD OVERSEER Edward Herndon and John Martin having been appointed by a previous court "to view the way from the Pamunkey Road through Benjamin Boucher's plantation" reported to the 3

November 1741 court that the way petitioned for was much more convenient than the existing Boucher's tolling road; and the court thereupon ordered Anthony Foster, the overseer of said road, to clear the same through the said plantation. That same day Edward Herndon was appointed as overseer of the road from the Wilderness Bridge to Col. Spotswood's Wagon Road in the place of Thomas Witherby, who had removed from the county, and it was ordered that all of the tithables who served under the said Witherby should serve under the said Herndon, and to help him clear and keep in good repair the said road.

MILITARY COMMISSIONS On 1 November 1737 Richard Phillips, Gent., Lieutenant, and Edward Herndon, Jr., Gent., Cornet, produced their commissions and took the oaths etc., as officers of a troop of horse under Capt. William Waller. On 5 March 1744, Edward Herndon, Jr., Gent., presented the Governor's commission to be Lieutenant of a troop of Horse under the command of Capt. Richard Tutt, and took the oaths and subscribed to the Test as the law directed.

GUARDIAN BONDS On 5 April 1758 Edward Herndon and John Holloday were security for Joseph Steward, guardian of Elizabeth Wallace, orphan, in the sum of £2,000. On 3 May 1758 Edward Herndon was on the £100 bond of Rice Curtis, administrator of the estate of David Payn, deceased, and on 1 October 1759 Charles Gordon gave bond for £2,000 as guardian of Joseph, Stephen, Philadelphia, Benjamin, Mary Ann, and Sarah Herndon, orphans of Joseph Herndon,¹⁵ deceased, with Edward Herndon and John Holloday as his sureties.

MISCELLANEOUS On 4 December 1744 Edward Herndon became security on a £1000 bond for John McDaniel, administrator of John Webster, deceased.

On 6 June 1749 he is mentioned as Collector for the estate of Henry Fitzhugh, Esq., deceased.

VARIOUS PARISH SERVICES Edward Herndon performed services of various types for the Vestry of St. George's Parish. These included being a processioner of lands, deputy sheriff and possibly sheriff, supporter of a poor man, surety, possibly collector of parish levy, and possibly vestryman. We shall consider these *seriatim*.²

PROCESSIONER OF LANDS The demarcation of boundaries of lands owned by different persons was a task assigned to Virginia vestries. It was repeated usually each three years but occasionally at other periods. Each vestry ordinarily divided the area under its jurisdiction into precincts and appointed master processioners

to view the lands of each precinct. The owners were expected to be present when the processioning took place, and to permit the peaceable procedure of the survey. If they were not present, some other land owners frequently substituted for the absent ones. If objection was made by any land owner or a friend acting for him, full note of the complaint was entered in the processioners' reports.

Robert Stubblefield and Robert Goodloe, the processioners appointed by the Vestry of St. George's Parish, reported that on 20 March 1732/3, they went in order to procession the lands of Joseph Brock, Edward Herndon and others but none of them was present. On 12 November 1739 the Vestry ordered Edward Herndon, Jr., John Venton, John West and William Burbridge, or any two of them, to procession before 31 March 1740 the lands between the Rappahannock and Ny rivers from the Falls of the Rappahannock to the upper line of the County. On 3 October 1743 and again on 13 October 1747 Edward Herndon, Jr., Charles Stewart, Henry Hall and John Prockter, or any two of them, were ordered to procession all the lands between the Rappahannock and the Ny, from the Fall Hill on the Rappahannock to the upper line of the County, and to make a return by the last of March next ensuing.

DEPUTY SHERIFF Edward Herndon is first mentioned as Deputy Sheriff of the County of Spotsylvania 5 September 1733 when he was allowed to alter and amend his return in Moseley Battaley's execution vs. the estate of Goodrich Lightfoot, Gent. At the court held Tuesday 1 April 1735 Joseph Thomas, Gent., Sheriff of Spotsylvania County, presented Edward Herndon, Jun'r, and requested that he be made his deputy. This request being granted, Edward Herndon, Jun'r, took the oaths of Allegiance and Supremacy as the law directed, and was sworn Deputy Sheriff accordingly. When John Chew, Gent., was Sheriff of Spotsylvania he presented Edward Herndon, Jun'r, to that court on Tuesday, 2 March 1738 and desired that he be sworn as one of his deputies which was done after he had taken the oaths and signed the Test.

The following items, quoted from the original First Vestry Book of St. George's Parish, Spotsylvania, certainly imply that Edward Herndon was Sheriff at the dates mentioned, but the fact that no bond for him as sheriff was recorded causes us to believe that the payments referred to were really made to Edward Herndon as Deputy Sheriff.

²At a vestry for St. George Parish at Mattapony Church

October the 14, 1734

"To E. Herndon, Sheriff fees ---- 34 [lbs. tobacco]

"At a meeting of the Vestry in Fredericksburg November 8, 1738:

"To M'r Edward Herndon for fees as Sheriff ----- [129 lbs. tobacco]

SUPPORT OF A POOR MAN At a meeting of the Vestry in Fredericksburg 12 November 1739 it was:

"Ordered that Edward Herndon be allowed next year 800 pounds of tobacco for maintaining and sufficiently cloathing Thomas Moor a poor man the Ensuing Year"

On 8 October 1740, 20 November 1741, and 3 October 1743, the same allowance was made per annum, which on 13 October 1747 was increased to 1,000 pounds.

SURETY In April 1750 John Battaley and Edward Herndon, Jr., [28] were appointed to collect the parish levy, their bondsmen being Richard Tutt, Joseph Stewart, and Edward Herndon, Gent. On 5 November 1750 and again on 7 December 1751 the Vestry of St. George's Parish appointed John Battaley and Edward Herndon, Jr., Collectors of the Parish Levy, their sureties being their respective fathers, Moseley Battaley and Edward Herndon, Gent.

VESTRYMAN OR COLLECTOR OF PARISH LEVY OR NEITHER

Under the heading "Succession of Vestrymen of St. George's Parish, from 1726 to 1847," on page 64 of *History of St. George's Parish... By Rev. Philip Slaughter... Edited by R. A. Brock (1890)*, there appears this item: "1746, Edward Herndon (collector)." This would clearly imply that Edward Herndon was at that time collector of the parish levy and was then elected to the Vestry. There is, however, in the original vestry records, now in the Alderman Library of the University of Virginia, no mention of Edward Herndon in 1746 either as collector of the levy or as being elected to serve on the Vestry. Bishop William Meade, in his *Old Churches and Families of Virginia*,³ states that there were four Edward Herndons who served as Vestrymen of St. George's Parish. If this is a correct statement, they were the father of this Edward, then this Edward, then his son Edward, and then Edward, son of Joseph, son of the subject of this sketch. There is nothing that we have been able to discover in the vestry records to support this claim, except so far as it relates to the son and grandson of this Edward.

MISCELLANEOUS On 23 December 1757 Edward Herndon was authorized by the vestry to be paid 2,035 pounds of tobacco for expenses in a matter concerning Elizabeth Burbridge, but for what reason is not stated.

CULPEPER PROPERTY On 11 June 1749 Lord Fairfax granted "to Edward Herndon of Spotsylvania" 400

acres in Orange County "on the little fork of the Rappahannock River" situated on the Hedgman River at the foot of Jobbers Mountain, adjoining the lands of Capt. John Grant, Capt. Compton, and George Fairfax, Esq.⁴ In the following March, when this tract was in the newly established county of Culpeper, Edward Herndon sold it for £50 to his son Edward, Jr. [28], also of Spotsylvania. This deed, witnessed by Joseph Wood, John Battaley, Samuel Simpson, and Abraham Simpson, was recorded 21 March 1750, in Culpeper County.⁵ This tract was sold by Edward Herndon, Jr., [28] and Mary [Duerson] Herndon, his wife, on 18 August 1758 to James Grimsley, of Prince William County, for £37 10s., the witnesses being Henry Brock and James Gatewood. Although dated 18 August it was recorded 17 August 1758, but Joseph Brock and Thomas Duerson did not take Mary [Duerson] Herndon's acknowledgment until 23 March 1759.⁶

IN ORANGE COUNTY, VA. On numerous occasions between 1737 and 1753 Edward Herndon was mentioned in the Order Books of Orange County, being frequently called therein "Edward Herndon, Jr., of Spotsylvania". He brought suit 27 April 1737 against Goodrich Lightfoot for trespass.⁷ Later he was a witness for Joseph Brock in the latter's suit against the administrator of the estate of Goodrich Lightfoot, deceased, it being noted that he had traveled 35 miles in order to testify.⁸ He was a witness for David Kinkead 22 September 1737 in the latter's suit against Joseph Eve for trespass, and the following year for Benjamin Walker in the latter's suit against David Kinkead.⁹ He was plaintiff in numerous actions -- against John Cook, Thomas Byrne, William Power, the estate of Samuel Pound, Thomas Rutherford, Richard Cross, Stokeley Towles, Matthew Knight, William Spicer, Samuel Kirchwile, and Joseph Philips -- and in each, judgment was entered for him.¹⁰ In five cases an agreement was reached by the parties,¹¹ the defendants being William Crain, William Hust (?), William Nash, William Minor, and Richard Ship. A chancery proceeding against Andrew Harrison was abated because of the death of the defendant in 1753. This case had dragged through the court since 24 June 1748.¹²

IN AUGUSTA COUNTY, VA. The Fee Books of Augusta County, Va., for 1745/6 mention Edward Herndon, of Spotsylvania County.¹³

HIS FIRST WIFE Edward Herndon's first wife was Elizabeth. While her surname is not of record, we believe that she was Elizabeth, daughter of Robert and Ann Stubblefield. Edward and she were married probably about 1727 in King and Queen. She was the mother of his four children mentioned in his will. She died after 4 October 1743, for on

that date she joined with him, as has been mentioned, in a deed to George Stubblefield, probably her brother. She seems to have died before March 1750, for at that time her husband conveyed land to their son without the waiver of her dower rights therein.

HIS SECOND WIFE Edward Herndon married secondly (according to Moncure D. Conway) Mary Brock, daughter of Joseph Brock, but if they had any children, their names are not known. The expression which Edward Herndon used in his will "to her and her heirs" following the name of his wife is a legal one, and does not imply that she had children.

HIS WILL His will dated "Feb'ry the 4'th 1759" reads as follows:¹⁴

"In the name of God Amen: I Edw'd Herndon of the County of Spotsylvania being in perfect mind and memory do constitute and appoint this my last Will and Testament as follows: that after my funeral expenses and just Debts be paid and fully satisfied, the rest of my Estate be disposed of as following:

"Item. I give and bequeath all my Estate both real and personal to my Loving wife Mary Herndon, to her and her heirs and to be at her disposal for ever.

"Item. My Will is and would be hereby understood that what I have already given to my Children Edward, John and Joseph and Elizabeth Battaley is all I intend for them of my estate etc.

"Item. I do appoint my Loving Wife Mary Herndon; my Hon'd Friend George Waller and my Loving Son Edw'd Herndon Jun'r and my Loving Friend Geo. Waller, Junr whole and sole Ex'rs and Executors of this my last Will and Testament, revoking all other wills by me made, and do acknowledge this only my last Will and Testament; In witness whereof I here seal --publish and pronounce the same."

He signed and sealed his will in the presence of William Ficklin, James Williams, and John Herndon [5] and added a note to his will reading as follows:

"I also give and bequeath the Legacy left me by my Father to my loving Wife Mary Herndon also."

SETTLEMENT OF HIS ESTATE Edward Herndon died at his plantation in Spotsylvania County, between 1 October 1759 (the last time his name is mentioned in the court records) and 5 November 1759 (the date on which his will was proved in court by the oaths of William Ficklin and James Williams, two of the witnesses thereto. His brother John Herndon, the third witness to the will, did not appear in court to prove the will.

Mary Herndon and George Waller, Jr., qualified as executrix and executor, Edward Herndon having refused to take upon himself the executorship.

At the same time Moses Bledsoe, Thomas Hayden, Robert Richards, and John Moore, or any two of them, were appointed to appraise the said estate. Edward Herndon and William Ficklin went on the bond of Mary Herndon and George Waller, Jr., for £500., as executors of the estate of Edward Herndon, deceased.

On 7 May 1760 the court ordered the appraisers of the estate of Edward Herndon to make their report, and on 4 August 1760 the said inventory was returned by Robert Richards, John Moore, and Moses Bledsoe, and ordered to be recorded.

PICTURE DRAWN FROM THE INVENTORY OF HIS ESTATE From the above it is clear that Edward Herndon was one of the leading citizens of Spotsylvania County. Of his personal appearance we know nothing, no portrait being known to exist. Unlike many of the early settlers he had no legal quarrels with his neighbors over boundary lines. That he was a reader, a musician, and fond of games we know from the inventory of his estate which shows that he owned books, a fiddle, and a backgammon board.

His home was larger than those of his neighbors, for we are told that he conducted an ordinary for the entertainment of travelers who passed by. There was probably a large living room or hall for the use of guests, probably a family parlor, and three or four bedrooms. These rooms were doubtless simply furnished in accordance with the custom of the time.

We can, in fancy, picture the living room where he greeted his friends and guests, with its great fireplace at one end or in the center of the side wall. In the center of the room was the mahogany oval table valued at £2. About the room and around the table were the seven leather-bottomed chairs valued at £1. The old desk and chest of drawers containing his books probably completed the furnishings of the room. Over the fireplace hung his gun, the warming pan, and lantern. The fiddle was handy for a stray minstrel or for a dance by the young people; the backgammon board, no doubt, was constantly in use.

In the dining room adjoining there was probably the other oval table, valued at 19 shillings, and the cupboard containing glassware, jugs (pitchers), and the pewter. That he was able to entertain a large number of guests is known, for he owned nineteen pewter plates, basins, and spoons.

Across the hall was the parlor or family sitting room, and back of that the master's bedroom with its great mahogany bed, valued at £3, and at one time probably a trundle bed for the

children. A chair or two, a press, and the looking glass were the principal furnishings of this room..

The four upstairs bedrooms were probably used by the children and guests whenever they happened to be present. At the time of his death Edward Herndon owned, in addition to the mahogany bed already mentioned, valued at £8, four others. Two were appraised at £2 each, one at £5 5s., and the other at £7 10s.

The kitchen, like all in Virginia, was outside. In the grate fireplace hung the large iron pot and the three small ones; the skillet, griddle, spit, and gridiron stood on feet or hung about the chimney.

Over the spring there was probably built a house or shed, which served as the dairy. There the butter tubs were probably kept.

Before the front door, and where it could be seen from both roads, probably hung a sign informing the traveler that here was an inn, while close by there was the bell, mounted on the top of a pole or swung between two trees, which was used for calling the family and hands to meals and for signal purposes.

There were three horses and one mare on the place, but strange to say no carriage was mentioned in the inventory. The sleighs listed were of the type used for hauling the tobacco crop to the barn. There were two of these.

In a shed were kept his stock: seven hogs, one

sow and shoats, four geese, 15 sheep, and 11 cattle.

As the inventory on file fails to list any slaves, we must conclude that he had given his slaves to his children during his lifetime. In 1740, it will be recalled, he had owned one named Peter, then determined, for purposes of the parish levy, to be twelve years of age.

The gun and two pistols may have been used by him while he was a member of the Troop of Spotsylvania County Horse. Such weapons had, of course, a three-fold purpose -- for defense, for providing game for the table, and for sport.

Children of EDWARD HERNDON and ELIZABETH, probably STUBBLEFIELD:

- 28 i. Edward (c 1729 - 1799) m Mary Duerson
- 29 ii. John (c 1732 - 1783) m Mary Foster
- 30 iii. Elizabeth (c 1732-1788) m John Battaley, who died in September 1770. At the time of her husband's death their home was in St. George's Parish. At the time of her death she was of Berkley Parish. By her will she left bequests to her nephews Edward, son of her brother Edward, Peter and Edward, sons of her brother Joseph, and to her niece Sarah, daughter of her brother John. Witnesses to her will were Zachery Shackelford, John M. Herndon (son of Joseph [31]), and John Herndon, Jr. (son of John [29]), while the executor named was her brother Edward [28]. She died without issue.
- 31 iv. Joseph (1737-1810) m 1st Philadelphia Foster; m 2nd Mary Minor

FOOTNOTES ON EDWARD HERNDON [6]

- 1 Because this item and all subsequent ones in this sketch, which relate to Spotsylvania County deeds, wills, administrations, and guardianships, are recorded in W. A. Crozier: *Virginia County Records, Vol. 1, Spotsylvania 1721-1800*, which is thoroughly indexed, no further references to that volume, hereinafter cited as "Crozier", need be made. When the details furnished herein exceed "Crozier" information, they are obtained from the Order Books, if the court is mentioned, or the Vestry Book. As to the latter, see footnote 2.
- 2 The original records of the Vestry of St. George's Parish, Spotsylvania, have never been completely published, though parts or selections appear in Philip Slaughter: *History of St. George's Parish*, edited by R. A. Brock (1890). The originals are preserved in the Alderman Library, University of Virginia. The services of Edward Herndon, mentioned in what immediately follows, are recorded in The Parish Registers, which are chronologically arranged. Page references are therefore unnecessary here.
- 3 *Opus Cit.*, Vol. II, p. 72
- 4 *G Mecklenburg Grants 178, Virginia State Land Office*

- 5 A *Culpeper Deeds* 252
- 6 C *Culpeper Deeds* 174
- 7 *Orange (Va.) Order Book* Vol. 1, 159
- 8 *Ibid*, Vol II 44
- 9 *Ibid*, Vol. I 219,342
- 10 *Ibid*, Vol. I 360,363,384,410; Vol.II 372; Vol.III 376; Vol.IV 37,238; Vol.V 145,171,172,454,455
- 11 *Ibid*, Vol.III 516; Vol.IV 74,84,92,147,154,157,260; Vol.V 196,227,253
- 12 *Ibid*, Vol.V, beginning on page 146, ended on page 473
- 13 Abstracts from the Records of Augusta County, Virginia, Vol. II, p. 395
- 14 B *Spotsylvania Wills* 435, cited in Crozier 18

7 WILLIAM HERNDON [2 Edward] was born in 1706, according to Mr. Conway, and doubtless in King and Queen County, Va. Our knowledge of him is very limited. The same authority states that he married Ann, daughter of Col. Hugh Drysdale, who had been lieutenant governor of Virginia from 1722 to 1726. We do know that his family home, as already pointed out,¹ was in Drysdale parish, Caroline County, after that county was created. Col. Drysdale's term of office followed that of Col. Alexander Spotswood and immediately preceded that of Col. Robert ("King") Carter.

Our only information about this William Herndon concerns certain relationships he had with members of the White family, described in what follows. On 10 January 1733/4 he and Thomas White were "securities" for Benjamin Rennolds who was licensed to keep an ordinary at the courthouse in Bowling Green by the Caroline County court.² Thomas White was probably a relative of William White who appeared in a queer guise in a suit in 1741 entitled *Thomas Try-Title v John Pay-for-it*, described as a suit in "ejectment for one messuage, one hundred acres of Woodland and one hundred acres of tendable cleared land, lying and being in the parish of St. Mary in this county of the demise (sic) of William White." William Herndon came into court and admitted that he was the real defendant, John Pay-for-it. Thereupon William White acknowledged himself to be Thomas Try-Title, the plaintiff. Judgment was entered against William Herndon in the sum of one shilling and the Court directed a writ of *habere facias possessionem* to issue to the Sheriff of Caroline. Herndon's attorney was Zachery Lewis.³

This suit had repercussions in Orange County, Va., where in 1746 William Herndon sued William

White for debt. In that suit he was successful, being awarded in 1747 a judgment of 328 pounds of tobacco and £3 5s., or in lieu thereof 650 pounds of tobacco, and in addition he received an award of one penny in damages!⁴

So far as the compiler of this genealogy has been able to ascertain, William Herndon was not the recorded owner of real estate in Orange County where apparently he lived the rest of his life. He may well have owned land there without the deed's being recorded. What we do know is that there lived there a substantial Herndon family whom Mr. Dallas Tabor Herndon, a descendant of William's and himself a recognized historical scholar, has identified as William's family. So far as we know, there is no reason to doubt the correctness of this identification, for every son and son-in-law is mentioned in the Orange records. Mr. Dallas T. Herndon gives the date of the death of William Herndon as 1783.⁵

Children of WILLIAM HERNDON and ANN DRYSDALE:

- 32 i. Elizabeth (c 1731 - ----) m Joseph Rennolds (Peynolds)
- 33 ii. Lucy (c 1733 - ----) m James Nelson
- 34 iii. Owen (c 1735 - p 1807) m Mary ----
- 35 iv. Edward (1737 - 1831) m Mary Gaines
- 36 v. Joseph (c 1739 - 1811) m 1st ----; 2nd Susannah Haislip
- 37 vi. Sarah (c 1741 - 1763) m Joseph Crasty Mansfield
- 38 vii. Reuben (c 1743 - p 1760), who with Marr Alexander was apprenticed in 1760; nfi
- 39 viii. William (1745 - 1828) m Mary Bohannon

FOOTNOTES ON WILLIAM HERNDON [7]

1. *Supra* 7, citing 1 COB 395,472

2 1 COB 112

3 *Ibid*, 80,89; 2 COB 94,110

4 *Orange County, Va., Order Book DB9*: 71,94,115,133,171

5 111 *Virkus* 238

8 RICHARD HERNDON [2 Edward] was born probably about 1708 in King and Queen County, Va. The only item so far discovered about him in official or other records is the order of the Caroline Court 10 August 1732 to Richard Green to pay Richard Herndon 61 pounds of tobacco for testifying two days as a witness for Green.¹

What follows is therefore pure conjecture insofar as Richard Herndon is concerned. We believe that he married about 1730 and had a son George who settled in Orange County, N.C., and married secondly about 1742 and had sons named Larkin, David, and Benjamin, and a daughter named Frances or Fanny who married Thomas Marcom, all of whom also made their homes in Orange County, N.C. The sole reason for thus honoring Richard Herndon is that a diligent search for some other person who might have been their father has failed. We recognize two other possibilities but have rejected them, as being less likely than Richard. Those are that Edward [2] or William [4], each by his second marriage, might have been the father of these five. Since Fanny Marcom, by her own affidavit, was born 1754, Edward [2], if her father, would have been 76 at her birth. Not impossible, but not likely. On the other hand, if Mrs. Sarah (Leftwich) Herndon were her mother, then we should find that Thomas Leftwich who was between 60 and 70 at his death about 1730 had married as his third wife a woman so young that 24 years later she was giving birth to a child by her second husband William Herndon, himself then about 69 years of age. Certainly not a reasonable assumption.

. That David and Larkin were brothers is all but proved. Larkin witnessed a deed of David's.² David named his second son Larkin,³ a name that was given to boys among David's descendants until the third quarter of the nineteenth century. David had other sons named George and Edmund. George, who is assumed to be a half-brother of David's, also had sons named George and Edmund.⁴ Another of George's sons, James, served in a company in the American Revolution commanded not by his father George (who was a captain) but by Captain Benjamin Herndon, whose second lieutenant was Zachariah, James's older brother.⁵ Benjamin Herndon sold a part of his Orange County land grant to Thomas Marcom, his brother-in-law.⁶ Marcom served in the Revolution under Mark Patterson whose son Wiley married Annie Herndon, a daughter of Benjamin's. There were other interrelationships, but these will indicate the probability of a correct size-up of that group of Herndons, assumed to be Richard's children.

Children of RICHARD HERNDON and his first wife:

40 i. George (c 1731 - 1796) m Sarah ----

Children of RICHARD HERNDON and his second wife:

41 ii. Larkin (c 1743 - p 1771), no record other than his serving as a witness in 1771 to a deed of land to his brother David in Caswell County, N.C.

42 iii. David (c 1746 - 1811) m Frances Pierce

43 iv. Benjamin (c 1748 - 1825) m Lydia Massey

44 v. Fanny (1754 - p 1839) m Thomas Marcom

FOOTNOTES ON RICHARD HERNDON [8]

1 1 OOB 35

2 K Caswell County, N.C. Deeds 143

3 David Herndon's will dated 9 March 1811 is recorded in Orange County, N.C.

4 George Herndon's will dated 8 May 1796 was probated at the August 1796 term of the Orange County, N.C. Court

5 As stated in pension claims, cited in *Daughters of The American Revolution Magazine* for August 1946, pp. 427-429

9 MARTHA HERNDON [2 Edward] was born probably about 1710 in King and Queen County, Va. The compiler of this genealogy first learned of her from a letter to him dated 6 March 1946 from Mrs. Barton George Lane, of Gainesville, Florida, from which the following paragraphs are quoted:

"William Watkins, of Charlotte, in his will, 1784, left a widow Martha, and spoke of his grandson 'Richard Worsham if he comes back from the war.'

"Lt. Richard Worsham in application for pension stated that he had joined as an ensign at Charlotte Court House.

"Capt. John Worsham, in Georgia family records as submitted to DAR, was born 1731, died 1779, married 1754 Sophia Watkins, born 1735, died 1780.

"Because Lt. Richard Worsham named a daughter Sophia Shorter Worsham, another daughter Martha Herndon Worsham, and another Emily Archer Worsham, we believe that the Martha mentioned by William Watkins as his widow may have been Martha Herndon....

"The family records of the Barnett family have this --

"My grandmother Elizabeth Wingfield Worsham had several sisters. My grandmother's next sister was Sophia Shorter Worsham, first wife of Osborne Stone. The other sisters were Martha Herndon Worsham, married Dr. John Hunter Pope; Emily Archer Worsham, married Dr. John Hunter Pope. (The Pope Bible gives dates for these last two.)...

"The book of records of Mrs. Comer Barnett of Washington, Georgia, states:

"John Worsham married Mary --. Their son married Emily Archer. Their son John Worsham, born 1731, died 1779, mar. 1754 Sophia, born 1735, died 1780, daughter of William Watkins and Martha Herndon. Their children were Richard Worsham, born 1755, died 1826, mar. 1790 Mary Wingfield, and John Worsham, born 1757, killed in the Revolution."

The second item in support of the Martha Herndon claim among descendants of Lt. Richard Worsham came unexpectedly from the *Notes and Genealogies* which constitute the second part of *Early Settlers of Alabama* by Col. James Edmonds Saunders. There we find the work of his granddaughter, Mrs. Elizabeth Saunders Blair Stubbs, a skilled genealogist. One of the families carefully traced is that of James Watkins (1728-1800), eldest son of William Watkins above referred to. It is deeply significant that that James named his oldest daughter Sarah Herndon Watkins, and that his second son, another James, named one of his daughters, Sophia Herndon Watkins, and another, Sarah Herndon Watkins.

The third, and perhaps the strongest, link is found in the fact that John Herndon, of Charlotte, named James Watkins [eldest son of William and Martha Watkins] an executor of his will.¹ What more natural thing could he do than designate a son and a nephew to carry out his will? The other named executor was Jacob Herndon.

Dr. Joseph D. Eggleston, the distinguished former president of both Hampden-Sydney College and the Virginia Historical Society, who has made a close study of Charlotte County families, considers that there is not the slightest question about the correctness of the identification of the wife of William Watkins as Martha Herndon.²

The foregoing statements are therefore but prologue to the record of William Watkins and his wife Martha which follows, much of it as abstracts of court records of the counties, Henrico, Chesterfield, Lunenburg, and Charlotte, where they successively lived.

Between 29 April 1745 and 25 July 1745 we note the first change in the residence of William Watkins. The significant deeds are:³

"Indenture 29 April 1745 between Francis Worsham and Thomas Tanner of Dale Parish in the County of Henrico, of the one part, and William Watkins of the Parish of St. Stephen in the County of King and Queen, of the other part: for £24, a tract of land in Henrico (it being a part of a parcel of land granted by Patent to the aforesaid Francis Worsham and Thomas Tanner), containing by estimation 160 acres, beginning at a corner pine standing on the north side of John Elam's path...in Philip Jones' line, thence on Jones' line south 25 degrees...in Picket's line...etc.

Indenture 25 July 1745 between Samuel Goode of Brunswick County, of the one part, and William Watkins of Henrico County, of the other part, for £45 5s., 300 acres in Amelia County on both sides of Talley's Creek...on Talley's Horsepen Branch...land which Goode had bought 1 April 1742, while a resident of Henrico, from Thomas Jones of Amelia.

In 1748 Chesterfield was cut off from Henrico. There William Watkins continued to live until sometime between 3 July 1752 and 1 July 1753, by which date he was "of Lunenburg." He became the first deputy clerk of the newly created county, Chesterfield, on 1 July 1748. The clerk of the court was Benjamin Watkins, son of Thomas, son of Henry Watkins (born 1637/8) of Henrico; but Benjamin is not known to have been related to William, and there persists a tradition that the families were distinct. But, at any rate, on the date mentioned there was entered in the Chesterfield Order Book the following minute:⁴

"At the request of the Clerk of the Court [Benjamin Watkins], the Court doth recommend to the Hon'ble the Secretary, William Watkins as a fitting person to be Deputy Clerk of the said Court."

It was followed by the sentence quoted immediately below, but it seems that an error in transcription [or in the reading of what was written], for it is apparent that "Jr." should be "Sr.", as the court would certainly not appoint an eighteen-year-old lad its deputy clerk:

"William Watkins, Jr., Gent., took the usual oaths to his Majesty's person and Government...took and subscribed to the Abjuration Oath and subscribed the Test."

He was referred to in 1750 as deputy clerk, and finally on 5 April 1751:⁵

"William Watkins produced a commission from Mr. Secretary Nelson to be Deputy Clerk, and he thereupon took the usual oaths, and was sworn Deputy Clerk accordingly."

In an indenture between John Elam of Chesterfield County and William Watkins of Dale Parish in the County of Chesterfield, dated 26 February 1749, the latter acquired for £45 a tract (area not stated) adjoining the lands of John Elam, Jr., and Lodowick Elam.⁶ Three years later he sold this land as well as that which he had purchased in April 1745 while still a resident of King and Queen. The records show in this connection:⁷

Indenture this -- day of July 1752 between William Watkins of Chesterfield, of the one part, and Matthew Gibbs of the said County, of the other part: for £75, the 160 acres of land whereon the said Watkins now lives, bounded by the lines of Francis Worsham ... and John Elam, Jr.

Indenture 3rd day of July 1752 between William Watkins of Chesterfield, of the one part, and John Gibbs of said County, of the other part: for £50, 140 acres bounded by the lines of Lodowick Elam and John Elam, Jr. The wife of William Watkins acknowledged, etc., but her name was not entered on the record.

In the latter of these transactions, Martha almost appears. In the second of the next pair she does sign as a witness. By that date William and Martha were in Lunenburg:⁸

Indenture 1 June 1753 between William Watkins the Elder of the County of Lunenburg, of the one part, and William Watkins the younger of the County of Chesterfield, of the other part: for £150, the 300 acres conveyed to the said William Watkins the Elder by Samuel Goode by deed recorded in Amelia County Court; adjoining the lands of Peter Jones et al...

Indenture made 8 January 1753 between Francis Worsham and Richard Day: etc.... Witnessed by William Watkins and Martha Watkins and John Elam, Jr. At a Court held for Chesterfield County 6 April 1753 'this Deed and Memorandum was proved by the oaths of the witnesses and ordered to be recorded. Test. B. Watkins, Clk.'

When Charlotte County was erected out of Lunenburg in 1764/5, the land mentioned in the following transaction⁹ was found to be within the limits of the new county, Charlotte. William Watkins participated in several land purchases and sales, apparently at good profit to himself, but they, having no family significance, are passed over here.

Indenture 4 October 1756 between Richard Womack of Lunenburg County, of the one part, and William Watkins, of the said County, of the other part: for £300, 1,652 acres of land on the Branches of Middle Fork of Little Roanoke; beginning in Philip Jones' line... thence on Joseph Morton's line...

William Watkins, of Lunenburg, on 1 April 1764 deeded to his son John, relationship stated in the deed, for five shillings 147 acres out of the above-mentioned tract, which John sold seven years later to his brother Benjamin.¹⁰

We find in the Amelia records the only citation, so far discovered in an official document, of Martha as the wife of William Watkins. There we read:¹¹

Indenture 24 October 1765 between William Watkins and Martha his wife of the County of Charlotte, of the one part, and Benjamin Ward, of the other part: for £260, 300 acres of land granted by patent to Thomas Jones which, by several conveyances since, has been vested unto William Watkins and Martha his wife... adjoining lands of the above-said Benjamin Ward, etc. [There is nothing to show that William Watkins the younger who received this land in 1753 from his father had reconveyed it to him.]

On 2 July 1768 William Watkins conveyed to Benjamin Breedlove [his son-in-law] for £24 220 acres of the home tract of William Watkins.¹²

In a letter from Dr. Eggleston, dated 21 October 1946,¹³ he says, among other things:

"William Watkins 'the Elder' and his wife were of the Established Church, and soon after he moved to Lunenburg [County]--1755, I think--he was elected a vestryman, but evidently did not accept, as it is stated a few weeks later that someone else was elected to take his place. I can not place my hands on the exact item. In the Samuel Davies-- Joseph Morton episode he "went Presbyterian." He trans-

ferred his allegiance to the Presbyterian Church, as he stands No. 15 on the rolls of Briery Church, which is on the line of Prince Edward and then Lunenburg (now Charlotte) [Counties]. I find no others of his family as Presbyterian except his daughters Elizabeth, who married John Breedlove, and Mary, who married Benjamin Breedlove. William, Jr. remained Episcopalian, and was a vestryman.

*William Sr. never sought office, but lived the life of a planter, and prospered...

*Socially, the family evidently stood well..."

There are to be noted two omissions from what might be expected in the will of William Watkins. There is no mention of his wife, though in the opening paragraph of Mrs. Lane's letter already quoted she says that William Watkins in his will left a widow Martha. The other is the failure to refer in any way to Sally who, in the unsigned inquiry in the *Virginia Magazine of History and Biography*,¹⁴ is said to have been a daughter of William Watkins, Sr., and to have married James Bouldin, a view shared by Mrs. Stubbs, Dr. Eggleston, and numerous others, while still another, Mrs. David C. Wilson, of Hampden-Sydney, Va., lists her as a daughter of William Watkins "the younger" and his wife Mary Osborne, and so a granddaughter of William and Martha (Herndon) Watkins. The compiler of this genealogy accepts her as a daughter of William and Martha (Herndon) Watkins, because it is extremely unlikely that William, Jr., could have had a daughter old enough to marry in 1762.

The date of the death of Martha (Herndon) Watkins is not known. She probably predeceased her husband, and so was not mentioned in his will. As she witnessed a deed in 1752 and another in 1753 and joined with her husband in a conveyance of property in 1765, but did not waive her dower rights in the land he sold to Benjamin Breedlove in 1768, we may safely designate her death year as "about 1766/7."

The following is an exact copy of the will of William Watkins and the record of its probate, as certified by the Clerk of the Charlotte County Court, H. B. Chermiside, 27 July 1943:¹⁵

IN THE NAME OF GOD. AMEN. I, William Watkins of the Parish of Cornwall and County of Charlotte, being of sound and perfect memory and calling to mind the uncertainty of this life, do make and ordain this my last will and testament.

Imprimis. I desire that all my just debts and funeral expenses be paid. Item. I give and bequeath to my son Richard all that part of my tract of land and plantation lying to the Northward of the Ridge, lying between the two branches, also four negroes to wit, Jack,

Nancy, Aaron, and Tuck, fifteen head of cattle, fifteen sheep, three beds and furniture, all my stock of hogs, all my pewter and kitchen furniture, to him and his heirs forever.

Item: I give and bequeath to my grandson William, son of my son Richard, one negro girl named Lett, to him and his heirs forever.

Item: I give and bequeath to my son Benjamin all the other part of my tract of land lying Southward of the Ridge, between the branches aforesaid, to him and his heirs forever.

Item: I give and bequeath all the residue of my stock of cattle and sheep to be equally divided between my sons-in-law Benjamin Breedlove, John Breedlove, and my son Benjamin Watkins.

Item: I give and bequeath to my grandson Richard Worsham (if he lives to return from the Army) one Negro boy named Cuff to him and his heirs forever; but in case he should not return to receive him, I direct the said Negro may be divided in the same manner as the residue of my Negroes are directed to be divided.

Item: I give and bequeath to my grandson James Jones (if he lives to return from the Army) one Negro boy named Isaac, to him and his heirs forever, but in case he should not return to receive him, I direct the said negro to be equally divided in the manner the residue of my negroes are directed to be divided.

Item: All the residue of my negroes and other estate, not before given, I bequeath to be equally divided between my sons James, William, Joseph, John and Benjamin and my son-in-law John Breedlove to hold to them respectively and their heirs forever.

I direct that my estate shall not be appraised. Lastly I constitute and appoint my sons James, William, and John to be whole and sole executors of this my last Will and Testament; hereby revoking all other wills by me heretofore made.

In witness whereof I have hereunto set my hand and affixed my seal this 2nd day of April 1781.

Sealed, signed, published, and declared by the said William Watkins to be his last will and testament (signed) William Watkins L.S.

In the presence of
Thomas Spencer, Jr.
Gideon Spencer
Lucy Watkins

At a Court held for Charlotte County the 6th day of December 1784. The last will and testament of William Watkins, deceased, was exhibited in Court by James and John Watkins, two of the executors therein named, and the same was proved in Court by the oath of Thomas Spencer Jr. and Gideon Spencer, and ordered to be recorded.

And on motion of the said Executors who made oath according to law, certificate is granted them for obtaining a probate of the said will in due form, they giving security,

whereupon they with Thomas Read their security entered into and acknowledged their bond for that purpose, reserving liberty to William Watkins, the other executor to join in the probate when he shall think fit.

Teste Thomas Read Clk.

Truly Recorded Thomas Read Clk.

The order of birth and the dates of birth of the children of William and Martha (Herndon) Watkins accord with data furnished by various persons. The exact day of birth is known only in the case of James Watkins, the oldest son 16.

Children of MARTHA HERNDON and WILLIAM WATKINS:

- 45 i. James Watkins (1728-1800) m 1755
Martha Thompson
- 46 ii. William Watkins (c 1730 - p 1795) m
Mary Osborne

- 46-a iii. daughter (c1732 - --) m Philip (?)
Jones, and had a son James Jones,
mentioned in the will of his grand-
father William Watkins.
- 47 iv. Sophia Watkins (1735-1780) m 1754
Capt. John Worsham
- 48 v. Joseph Watkins (c1737 - --) m Mary --
- 49 vi. John Watkins (c 1739-1821) m c 1763
Mary Moore
- 50 vii. Mary Watkins (c 1741- --) m 1759
Benjamin Breedlove
- 51 viii. Sally Watkins (c 1743-1813) m 1762
James Bouldin
- 52 ix. Elizabeth Watkins (c1746-1821) m 1765
John Breedlove
- 53 x. Benjamin Watkins (c 1748-1808) m
Mildred Whitlock
- 54 xi. Richard Watkins (c1751- --) m 1773
Elizabeth Parish

FOOTNOTES ON MARTHA HERNDON [9]

- 1 I *Charlotte Wills* 382, quoted in full on page 17, *supra*. It is interesting also to note that one of the witnesses to John Herndon's purchase of a slave in Lunenburg County in 1757 was James Bouldin who subsequently married Sarah or Sally Watkins, John Herndon's niece.
- 2 Dr. Eggleston and John G. Herndon, compiler of this genealogy, exchanged letters and telephoned each other on this subject in October and November 1946.
- 3 *Henrico Deed Book*, 1744-1748, and 2 *Amelia Deeds* 194, respectively
- 4 *Chesterfield Order Book*, No. 1, page 48
- 5 *Ibid*, 103
- 6 1 *Chesterfield Deeds* 131
- 7 *Ibid*, 347, 348
- 8 5 *Amelia Deeds* 26 and 1 *Chesterfield Deeds* 536, part 2, respectively
- 9 4 *Lunenburg Deeds* 324
- 10 1 *Charlotte Deeds* 18 and 2 *Charlotte Deeds* 443
- 11 8 *Amelia Deeds* 635
- 12 2 *Charlotte Deeds* 37
- 13 Addressed to John G. Herndon
- 14 9 *Va. Mag.* 327
- 15 1 *Charlotte Wills* 365
- 16 James E. Saunders: *Early Settlers of Alabama*, 495 ff. Information concerning the other children of William and Martha Watkins was furnished by Dr. Eggleston.

10 DAVID HERNDON [2 Edward] was born probably about 1712 in King and Queen County, Va. After the erection of Caroline County in 1728 his home was there until about 1777. From 1777 to 1780 he resided in Charlotte, from 1781 to 1789 again in Caroline, and from 1790 until his death in 1795 in Campbell County. In addition, he was granted land in that part of Spotsylvania which later became Culpeper County. Because of these changes in property interests, his story can best be told chronologically.

THE ORANGE COUNTY [VA.] GRANT The only David Herndon reference in the official records of Spotsylvania and Orange Counties of which we have knowledge is contained in the following patent.¹ (Note that it was because of a suit instituted by David's brother Edward, Jr., that the McMurrin grant was reassigned to David Herndon.)

"George II, on June 23, 1732, granted to David McMurrin 300 acres of land in Spotsylvania County, now in Orange, in the little fork of the Rappahannock, bounded as follows:

"Beginning at a red oak corner to Frances Thornton and running thence with the said Thornton's lines North 65 degrees East one hundred and twenty poles to three white oaks thence North 15 degrees West seventy poles to two hickories and a white oak, thence North 50 degrees East one hundred and twenty poles to a white, Spanish and red oak, thence South 30 degrees East two hundred and ten poles to white oaks and a hickory, thence South 48 degrees West ninety poles to three hickories, thence North 76 degrees West one hundred and ninety poles to a white oak and poplar, thence North 83 degrees West to the beginning.

"McMurrin failed to make improvement so Edward Herndon Jun'r hath made suit to Lt. Gov. for grant of same and which he obtained. He now relinquished it to David Herndon for the sum of thirty shillings to Receiver General; grant confirmed to David Herndon, June 16, 1738."

CAROLINE RECORDS, 1739-1750 On 9 November 1739 the Caroline Court approved the payment of David Herndon's account for 450 pounds of tobacco out of the county levy. What the services were which he had rendered were not stated.²

On 8 February 1739/40 James Powell acknowledged his deed of feoffment indented to David Herndon which, on his motion, was ordered to be recorded.³

On 9 May 1746 David Herndon was appointed overseer of the road as successor to Robert Lowery and was ordered to keep it in repair according to law.⁴ His record in this connection is rather remarkable, for he served 13 years without there being recorded on the records a single complaint against him.

SALE OF CULPEPER PROPERTY On 16 July 1751 David Herndon went over to Culpeper to sign a deed to

the land granted him in 1738 which he and his wife Mary were conveying to Robert Covington, of Culpeper County. The deed named the grantors as "David Herndon and Mary his wife of the county of Caroline." The land was described as being "in Culpeper late in Orange." The consideration was £30. Mary, David's wife, however, did not accompany her husband. Instead John Taylor, John Baylor, and Richard Buckner, of Caroline, certified that they had taken the acknowledgment of consent by Mary Herndon to the sale of the property, and it was so recorded 12 September 1751.⁵

CAROLINE RECORDS, 1752-1769 On 9 July 1752 a negro slave girl belonging to David Herndon was adjudged to be 14 years of age.⁶

On 14 February 1754 the court ordered Joseph Woolfork, Issac Dyer, David Herndon, and Thomas Cheadle to have their gangs join to build a bridge "over Polecat Swamp at the Old Place above Hornes Mill."⁷

On 10 May 1759 David Herndon was succeeded by Jacob Burrus as overseer of the road.

On 10 November 1757 the court rejected a petition from David Herndon, but there was no statement as to the subject of the petition.

On 12 November 1761 he and three others were appointed to appraise the estate of James Lewis [believed to be David Herndon's father-in-law].

On 10 March 1768 David Herndon sued Thomas Pickett. The defendant failed to appear. Judgment was entered in favor of the plaintiff who was to recover £12 18s. with costs, or to receive instead £6 4s., with interest from 1 November 1765 until paid, plus costs." On 9 November 1769 he brought suit against Thomas Pickett again and this time also against William Reynolds. A verdict was brought in that David Herndon was to recover £25 5s. 11d., penalty of the bond, to be discharged upon payment of 2s. 11½d., with interest from 13 July 1769 until paid.

IN CHARLOTTE COUNTY, VA. Between 1777 and 1780 David Herndon lived in Charlotte County, Va. On 1 September 1777 he purchased a 200-acre tract on both sides of Buffalo Creek in Charlotte County, paying James Burton, Jr., of Pittsylvania County, £125 therefor.⁸ This property was separated from that of his brother John Herndon's lands only by the lands of Edward Moseley, Sr. On 26 November 1782 David Herndon sold the above-mentioned land to Giles Newton, of Charlotte, for £200. This property adjoined Hudson's corner, Moseley's line, and Robertson's line.⁹ By 1781 David Herndon had returned to Caroline County and remained there until 1789.

HIS SUPPORT OF THE AMERICAN REVOLUTION David Herndon was, of course, too old for military service during the American Revolution, but he supported the Patriot Cause, as the following records show, by supplying the Revolutionary Forces in Virginia with beef on at least the two occasions mentioned in the certificates cited below⁹ which are preserved among the Public Claim Papers (in manuscript) in the Virginia State Archives at Richmond. The first warrant reads thus:

CAROLINE COUNTY V.

Warrant No. 88

I hereby certify that I have received of DAVID HERNDON one grass fed beef adjudged to weigh 275 lbs. taken for publick use pursuant to an Act of Assembly, to be paid for at 2 pence per lb. in specie [or] in paper money at such rate of depreciation as shall be settled by the Governor & Council at the time of payment, the present rate being 600 to one.

Oct. 15, 1781.

£1375:

275 lb. £3: 8: 9

(signed) John Broaddus

On the reverse side of this warrant were entered three items: (1) the date of payment, "Dec 3d 1782"; (2) name of the payee, "David Herndon"; and (3) the amount paid him, "£3: 8: 9", with the significant letters "U. S." added.

The term "publick use", employed above, signified use by the Revolutionary Forces in Virginia.

It will be noted that £1,375 is equivalent to 600 times 2 pence for each of the 275 pounds which his grass-fed beef was adjudged to weigh; but that when payment was made in specie more than two years later, the redemptive rate of exchange had risen from two to three pence per pound of beef. So it was that David Herndon received on 3 December 1783 £3 8s. 9d., instead of £2 5s. 10d., which would have been due him on 15 October 1781.

The second warrant was similar to the first one, except that it was undated, but it is known to have been issued in 1782. It reads as follows:

Ib[idem].

Warrant No. 119

I hereby certify that I have received for publick use of DAVID HERNDON one beef to stall adjudged to weigh 175 lb. for which payment at the rate of 30 shillings per lb. shall be made according to Act of Assembly passed June 1781.

£262: 10:

(signed) John Broaddus

175 lb at 3 pence £2: 3: 9

The change in the exchange rate from 1,200 pence or £5, as payment for a pound of beef on

15 October 1781, to 30 shillings or £1 10s., when the second certificate was issued in 1783, is indicative of the growing confidence of the people in their Government and its currency, as the prospects for a treaty of peace with Great Britain increased.

AGAIN IN CAROLINE COUNTY His home was located in St. Margaret's Parish, Caroline. The preserved tax lists show that in 1783 he was taxed on account of the ownership of four slaves between 16 and 21 years of age, and four others under 16 years of age, three horses, and 19 head of cattle.¹⁰ In 1785 his property included ten slaves, four horses, and 20 head of cattle.¹¹

In November 1786 Ambrose Bullard was ordered by the Caroline Court to pay David Herndon 75 pounds of tobacco for his three days' attendance at court as a witness for Bullard in his suit against Thomas Collins, executor.

In 1787 David was the sole Herndon taxpayer in Caroline County where, thirty years before, Herndons had flourished as the green bay tree. In 1788 David Herndon sold to Matthew P. Terrell two pieces of real estate, one containing 242 acres at 7/1 per acre or £65 3s. 4d., and the other containing 242 acres at 2/2 per acre or £26 4s. 4d. The tax thereon was £1 7s. 5d. The same year he sold to Achilles Moorman, his son-in-law, his remaining Caroline realty. He was assessed for the last time in Caroline the following year, 1789.¹²

IN CAMPBELL COUNTY At about this date David Herndon, "of Caroline County", and Achilles Moorman bought adjoining farms in Campbell County.¹³ On 12 July 1790 David Herndon was taxed in Campbell County on four slaves and five horses; on 23 March 1791 on four slaves and three horses; and for the last time, in 1794, likewise on four slaves and three horses.¹⁴

HIS DEATH AND WILL, ETC. Since his widow Mary was assessed on his property, when it was listed for taxation in the summer of 1795, his death probably occurred a short time before. If it had occurred much earlier, the probating of his will would probably have taken place sooner.

The following is an exact copy of David Herndon's will and of the record of its probate, except for modernization of spelling, punctuation, and capitalization:¹⁵

"IN THE NAME OF GOD AMEN September 8th, 1794 I, David Herndon, of Campbell County, being in proper senses:

"FIRST I lend to my beloved wife Mary Herndon all my estate, both real and personal, during her natural life, except the land that my son Edmond now lives on.

"MY WILL is that, at my wife's death, I leave my grandson David Herndon Moorman one hundred and fifty acres of land, part of the tract that I now live on, to be taken off on the south side so as not to interfere with the plantation.

"THE REMAINDER of the tracts I leave to my son Edmond Herndon.

"ALSO I leave to my son Edmond the land whereon he lives with all other parts of my estate that he has in his possession.

"ALSO I leave to [my] daughter Frances Moorman all the estate that she is now possess with.

"ALSO MY WILL and desire is that all the rest of my estate shall be equally divided between my son and daughter at my wife's death, for them and their heirs, except my wearing apparel which I leave to my son Edmond Herndon.

"FINALLY I nominate and appoint my son Edmond Herndon and Achilles Moorman, together [with] my wife to be my executors of this my last will and testament, hereby revoking all wills heretofore by me made.

"IN WITNESS WHEREOF I have hereunto put my hand and seal the day and year above written.

Published and declared
in [the] presence of (Signed)
Grfn. Lewis, Senr. David Herndon (SS)
David Talley
Benoni C. Talley

"At a Court held for Campbell County
September 3d, 1795:

"The within Last Will and Testament of David Herndon, deceased, was proved by the oath of David Talley, one of the witnesses thereto subscribed."

"And at a Court held for the said County the first day of October following, the same was further proved by Griffin Lewis, Senior, another of the witnesses thereto subscribed, and ordered to be recorded. And on the motion of Achilles Moorman, one of the executors in the said Will named, who made oath thereto according to law, Certificate is granted him for attaining probate thereof in due form. Giving security he together with John Cock, his security, entered into and acknowledged their bond in the penalty of one thousand dollars, conditioned according to law for the executor's due and faithful administration of the said decedent's estate and performance of his will, liberty being reserved the other executor and executrix in the said will named to join in the probate thereof when they shall think fit.

Tests. Ro. Alexander, CCC"

In addition to slaves and farming equipment, other items in the inventory of his estate included five beds and furniture valued at £50, a desk and safe, a chest and tables, 12 "sitting" chairs, two candlesticks, snuffers, a looking glass, a "parcel" of books, and miscellaneous items of dining-room and kitchen equipment.

HIS WIFE All that is known concerning his wife is that her given name was Mary, and that, as his widow, she continued to be taxed in Campbell County until her death there in 1806. She was probably a daughter of James Lewis who died in 1761.

Children of DAVID HERNDON and MARY, probably Lewis.

- 55 i. Frances (c 1751 - p 1809) m Achilles Moorman
56 ii. Edmund (c 1760 - 1841) m Letitia Moseley

FOOTNOTES ON DAVID HERNDON [10]

- 1 18 *Virginia Land Patents* 21
- 2 1 *COB* 565
- 3 *Ibid* 583
- 4 2 *COB* 313
- 5 A *Culpeper Deeds* 313-315
- 6 3 *COB* 317
- 7 *Ibid* 450
- 8 4 *Charlotte Deeds* 27
- 9 5 *Charlotte Deeds* 55
- 9a As furnished by Miss Ann Waller Reddy,
1005 East Marshall St., Richmond, Va.
- 10 27 *Wm. and Mary* (1) 155
- 11 According to the Personal Property Tax Records of Charlotte Co., in The Virginia State Library (Archives Division), Richmond.
- 12 According to the Personal Property and Real Estate Tax Records of Charlotte Co., in the Virginia State Library (Archives Division), Richmond.
- 13 54 *Va. Mag.* 267
- 14 According to Personal Property Tax Records of Campbell Co., in The Virginia State Library (Archives Division), Richmond.
- 15 1 *Campbell Wills* 281

11 JAMES HERNDON [2 Edward] was born probably about 1716 in that part of King and Queen County, Va., which after 1728 was included in Caroline County. As a young man he settled in St. Thomas parish, Orange County, where he continued to live until about 1755, when he removed to Brumfield parish in Culpeper. There he remained until at least 2 June 1758. Some time between that date and 1762 he returned to Caroline County where he died in 1764. About 1737 he married Valentine Haley, daughter of Edward Haley, of Orange.

WITNESS IN COURT The first mention of him which we have found in the records of Orange County was dated 22 March 1738 when he and Samuel Earle acknowledged themselves indebted to the King in the sum of £400, to be levied on their lands, tenements, goods, and chattels, if they failed to appear as witnesses against a criminal named Richard Cross alias Breader.¹

HIS FIRST REAL ESTATE On 27 May 1741 John Yarbrough, of Brunswick County, for a consideration of 5 shillings leased to James Herndon, of Orange, 180 acres which Yarbrough had purchased of Edward Haley, being part of a tract of 980 acres adjacent to the lands of Philip Waters and ---- Fleet. This lease was recorded the next day. The annual rental was the usual "one pepper corn given upon the Feast of St. Michael." Witnesses were Edward Herndon [doubtless his father], Henry Isbell, and William Nash. The following day John Yarbrough released, i.e., sold, the above-mentioned property to James Herndon for £22.²

MARRIAGE SETTLEMENT On 27 August 1741 there was recorded a deed of gift from Edward Haley, of the parish of St. Thomas, in Orange, to James Herndon "for love and paternal affection which I have to my daughter Valentine Haley and now the wife of James Herndon of Orange County." It consisted of 120 acres adjoining the lands of Charles Oakes, Benjamin Haley (son of Edward), and Thomas Haley (son of Edward). Mention was also made therein of another son of Edward the donor, named David Haley.³ This was not a marriage settlement, as that term is usually employed, since it was made about four years after the marriage between Valentine Haley and James Herndon had taken place, as we know from the dates of birth of their children.

WITNESS IN COURT The next day after the recording of the deed of gift, 28 August 1741, the Orange County court directed Richard Bradford, plaintiff in a suit against Daniel Singleton, Jr., to pay James Herndon 50 pounds of tobacco for his services as a witness two days on his behalf.⁴

ANOTHER HALEY-HERNDON TRANSACTION No references to James Herndon have been found for the years from 1742 through 1748. But in 1749 there are at least the two that follow. On 24 August 1749 Edward Haley and Catherine his wife sold another tract to James Herndon. All the parties were designated as "of the parish of St. Thomas." The consideration was £22. Witnesses were Edward Herndon, G. Hume, and Goodrich Lightfoot.⁵ It is of interest to note that Edward Herndon is mentioned as "coming 30 miles from Spotsylvania County" in another matter in an Orange Court minute adopted 29 October 1749.⁶

PATENT ISSUED TO JAMES HERNDON On 15 December 1749 there was issued to James Herndon a land patent reading as follows:⁷

"George II, by Thomas Lee, for the transportation of four persons: Alexander Rosse, Edward Rowland, Thos. Gahagan and Wm. Morris; for the sum of twenty shillings granted to JAMES HERNDON 400 acres in Orange County, December 15, 1749, described as follows:

"Beginning at a red oak saplin corner to Alexander Waugh and running thence South 22 degrees West four hundred and forty-six poles to the line of the land of Nathaniel Claybourn thence with his line North 74 degrees East two hundred and fifty poles to four pines on a Stoney Knowl by the Mt. Road thence North 12 degrees East two hundred and seventy poles to two red oak saplins thence North West fifty-two poles to a Ring oak corner to the said Alexander Waugh's by a path and nigh a branch of the Mt. Run thence with the said Waugh's line crossing the said branch North 70 degrees West one hundred poles to the beginning.

"To be held of the Manor of Greenwich in Kent Co..."

1634228

SALE OF THE PATENTED TRACT On 28 November 1751 James Herndon and Valentine his wife "of St. Marks parish in Orange County" deeded to Just Stephen and J.K. Smith, for a consideration of £16, "400 acres in St. Marks, being the same land granted to James Herndon by patent dated December 15, 1749."⁸ The odd feature of this deed and also of the patent lies in the fact that the land is mentioned as being in Orange County, despite the provision of an Act of Assembly dated 23 March 1748/9 which had erected a new county to be called Culpeper out of the entire area of the parish of St. Mark in Orange County.

LEASE OF TWO MORE TRACTS On 27 November 1751 James Herndon and Valentine his wife leased to John Haley the two tracts, one of 180 acres and the other of 120 acres, which they had acquired in 1741 from John Yarbrough and Edward Haley, respectively. The consideration was £17 10s.

The term of the lease was one year, the usual pepper corn rental being mentioned. The adjoining lands were then owned by Philip Waters, James Mitchel, Philip Singleton, Thomas Browning, William Haley, and ---- Fleet. The amount of the consideration would imply a re-lease or sale, but the entry is of lease only. The tract is called one of 300 acres in the lease. Witnesses were Benjamin Porter, Benjamin Davis, and John Grigsby.⁹

COURT ASSIGNMENT On 27 February 1752 the Orange County court ordered "James Herndon, John Finney, Daniel Singleton, and Philip Singleton, or any three of them, to view the most convenient and best way for...passing from the Rackoon (sic) ford to the old court house to Fredericksburg and Major Spence's mill, and report to next court."¹⁰

DEFENDANT IN LAW SUIT On 27 June 1755 in a suit brought by one John Simpson a verdict was rendered against James Herndon and five other defendants in the sum of £5.¹¹ This is the last time he was mentioned as an Orange countian.

PURCHASE OF LAND IN CULPEPER On 19 September 1751 James Herndon "of St. Thomas Parish, in Orange County, Planter" was granted by Charles Neal and Hester his wife and Martin Duettt and Mary his wife, "of St. Thomas Parish, Culpeper" for £53 15s. a tract of 100 acres in St. Thomas Parish, Culpeper County, on both sides of the Stanton River.¹² It will be noted that James Herndon was at the time of this deed a resident of St. Thomas Parish, in Orange County.

LAST SALE OF LAND IN ORANGE COUNTY In a deed dated 2 June 1758 and recorded 24 August 1758 James Herndon and Valentine his wife "of the Parish of Brumfield in the county of Culpeper" conveyed to Robert Lancaster, "of St. Thomas Parish in the county of Orange" 120 acres in St. Thomas parish.¹³ (This was the property conveyed to James Herndon by Edward Haley and Catherine his wife in 1749.)

LAST SALE OF LAND IN CULPEPER COUNTY The deed just mentioned shows that James and Valentine were of the parish of Brumfield by at least as early as 2 June 1758. On 15 July 1762 Lewis Herndon [eldest son of James and Valentine] and Frances his wife, "of Drisdale parish in the county of Caroline" sold for £40 to "James Rucker, of Brumfield parish, Culpeper" the identical 100 acres which had been purchased by James Herndon in 1751 from the Neals and Duetts, which in this later conveyance are described as being in Brumfield parish, Culpeper County, on both sides of Stanton River.¹⁴ As the sale was not made by Lewis Herndon as executor or adminis-

trator of his father's estate, his father not having died so far as is known until 1764, it would seem that James and Valentine had given this tract to their eldest son (deed unrecorded), and that he in his own right sold it. James Jameson and John Taylor of Caroline were authorized by the Culpeper court to take the deposition of Frances, wife of Lewis Herndon, to the above deed, which was done 9 September 1763.¹⁵

CHANCERY SUIT IN CAROLINE COUNTY Under the caption "Edward Herndon an Infant Compl't agt Lewis Herndon and others Def in Chancery" a suit was heard by the Caroline court on 16 February 1765, concerning which the court adopted the following minute:¹⁶

"This suit being heard on the Bill and Answer and the will of James Herndon, deced, This Court are opinion that the Complainant is entitled to one eighth part of the land in the bill mentioned and it is decreed that James Taylor, Richard Woolfolk, Francis Coleman, and William Buckner, Jr. or any three of them do make partitions of the land between the Complainant and Defendants according to the will of James Herndon and make a report to the Court, and Wm. Parker, gent., is appointed guardian for the Complainant to act at such division."

On the 8th of August following the Order Book entry reads:¹⁷

"A report and partition between Valentine Herndon, widow of James Herndon, deceased, and her seven children. Costs to be paid out of testator's estate."

On 7 December 1766 an administration account of the estate of James Herndon was returned and ordered to be recorded.¹⁸

If the will of James Herndon were still extant, it would probably clarify why an eight-way distribution of certain lands belonging to the estate of James Herndon was ordered, since it is known that he and Valentine Herndon had eleven, not eight, children. Doubtless it had provided for certain outright gifts to the three who were not to share in the division of land.

On the same day that the court announced its decree in the chancery suit above mentioned its Order Book reports:¹⁹

"A deed from Valentine Herndon, widow of James Herndon, and Lewis Herndon to Edmund Pendleton, gent., guardian of John Hoomes, an infant, was recorded."

VALENTINE HERNDON'S LATER RESIDENCES Valentine Herndon is mentioned once more in the Caroline records when on 12 April 1771 the Court ordered Joan Herringham to pay her 75 pounds of tobacco

for her three-day attendance in court "as an evidence for her against John Smith."²⁰ From the death of her husband until this time she seems to have made her home in Caroline County, first with her son Lewis and next with her son Benjamin.

Next we find her in Goochland living with Benjamin until his death in 1778 or only until she gave her son John the land Benjamin had given her. Abstracts of the appropriate deeds illustrating this fact follow:²¹

"Benjamin Herndon of the Parish of St. James Northham and Goochland County to Valentine Herndon of Caroline County; consideration £50; 97 acres on the west side of Licking Hole Creek, and adjoining the lands of William Wade and James Herndon [60]; among the witnesses was John Herndon [61]; dated 19 July 1770; recorded 19 July 1773.

"Valentine Herndon of the Parish of St. James Northham and Goochland County to John Herndon of the same; consideration £70; 97 acres on the branches of Licking Hole Creek, being part of a tract purchased by Benjamin Herndon of William and Archer Michell, which Benjamin Herndon [58] gave to Valentine Herndon; adjoining the lands of Benjamin Herndon, Edward Scruggs, and Ann Wade; witnesses Edward Herndon [64], George Herndon [59] and Lewis Herndon [57]; dated 15 December 1773 recorded 20 December 1773.

The rest of her life she lived with her son John and his wife Mary to whom she referred in her will as "my well beloved son John" and "my daughter-in-law Mary Herndon."

VALENTINE HERNDON'S WILL The following is an exact copy of Valentine (Haley) Herndon's will and the record of its probate, except for modernization of spelling, punctuation, and capitalization:²²

"IN THE NAME OF GOD AMEN I, Valentine Herndon, of Goochland County, knowing it is appointed for all once to die, do make and ordain this my last will and testament, being in perfect mind and memory. First I recommend my soul to the Almighty who gave it and my body to be buried in a Christianlike manner by my executors hereafter named.

"FIRST, I desire all my just debts shall well and truly be paid by my executors.

"ITEM: I give and bequeath unto my sons Lewis Herndon, Reuben Herndon, James Herndon, and Edward Herndon five shillings sterling to be equally divided among the four mentioned.

"ITEM: I give and bequeath unto my daughters Sarah Samuel, Mary Herndon, Elizabeth Baker, and Catey Herndon and my daughter-in-law Mary Herndon all my wearing clothes to be divided among the five equally or as they can agree.

"ITEM: I give to my daughter Katey Herndon my bed and furniture.

"ITEM: I give and bequeath unto my son John Herndon and my daughter Catey Herndon all the money due unto me, and my negro fellow Moses, to be equally divided or as they can agree between them two.

"I DO HEREBY revoke all other will or wills heretofore made by me.

"LASTLY, I appoint my well beloved son John Herndon executor of this my last will and testament. In witness I have hereunto set my hand and seal this tenth day of September one thousand seven hundred and eighty three.

		her
Test:	Valentine X	Herndon (Seal)
Dabney Wade		mark
David Mullins		

"At a Court held for Goochland County on the 21st day of October 1799:

"This writing was presented in Court and proved by the oath of Dabney Wade to be the last will and testament of Valentine Herndon, deceased, and ordered to be recorded."

At the time of her death in 1799 her son Lewis had been dead three years. Not mentioned in her will were her sons Benjamin and George. Benjamin had died in 1778, and George during his service in the Revolutionary Cause in 1779, dates prior to the making of her will. Benjamin's widow, Rosanna (Wade) Herndon, married secondly David Mullins who witnessed Valentine's will, while the other witness was Dabney Wade, Rosanna's brother.

FURTHER FAMILY DATA For purposes of the complete tie-up of the members of this extraordinary family, mention must be made of the will of the youngest son, Edward, which was dated 12 April 1843 and probated 11 March 1845.²³ In it he named all his brothers and sisters, except his brother George whom he knew to be dead as he had reared George's only child, Daniel G. Herndon, to whom he left nearly all his property. He lists his brothers as Lewis, Benjamin, James, John, and Reuben, and his sisters as Sarah Samuel, Elizabeth Baker, Catherine Durham (the Catey of Valentine's will), and Mary Herndon. He had the old family Bible, for the record of the settlement of his estate states that his nephew, Daniel G. Herndon, bought it from the executor for \$1.12½.²⁴

Each of the sons of James and Valentine Herndon served in some capacity in the Goochland forces during the American Revolution, except Benjamin who died during the war. His widow, Rosanna (Wade) Herndon, however, contributed supplies.

Children of JAMES HERNDON and VALENTINE HALEY:		62	vi.	Reuben (c 1748 - p 1804) m Susannah, probably Walker
57	i. - Lewis (c 1738-1796) m Frances Thompson	63	vii.	Sarah (c 1751 - --) m -- Samuel; nfi
58	ii. Benjamin (c 1740 - 1778) m Rosanna Wade	64	viii.	Edward (c 1752 - 1845) m Bettie Minor
59	iii. George (c 1742 - 1779) m -- --	65	ix.	Elizabeth (c 1755- --) m 11 July 1773 Joseph Baker in Goochland County; nfi
60	iv. James (c 1743 - 1810) m 1st -- --; 2nd Nancy Rice	66	x.	Catherine (c 1757 ---) m -- Durham, as mentioned in the will of her brother Edward; nfi
61	v. John (c 1746 - 1821) m Mary Ann Clarkson	67	xi.	Mary (c 1759 - p 1783) unm.

FOOTNOTES ON JAMES HERNDON [I I]

- 1 1 *Orange County (Va.) Order Book* 440
- 2 4 *Orange Deeds* 390-391
- 3 12 *Orange Deeds* 61
- 4 2 *Orange County (Va.) Order Book* 476
- 5 11 *Orange Deeds* 169
- 6 5 *Orange County (Va.) Order Book* 229
- 7 2a *Virginia Land Patents* 67
- 8 5 *Orange County (Va.) Order Book* 334; 12 *Orange Deeds* 62
- 9 12 *Orange Deeds* 61
- 10 5 *Orange County (Va.) Order Book* 356
- 11 6 *Orange County (Va.) Order Book* 136
- 12 A *Culpeper Deeds* 478
- 13 12 *Orange Deeds* 478
- 14 D *Culpeper Deeds* 56
- 15 *Ibid* 735
- 16 6 *COB* 389
- 17 7 *COB* 108
- 18 *Ibid* 403
- 19 *Ibid* 108
- 20 9 *COB* 174
- 21 10 *Goochland Deeds* 367, 431
- 22 17 *Goochland Wills* 500
- 23 3 *Campbell Wills* 386
- 24 *Ibid* 406

12 ESTHER HERNDON [2 Edward] was born probably about 1723 in King and Queen County, Va. She married Henry Elley in Spotsylvania County, 23 December 1742 being the date of their marriage license.¹ His first wife whose Christian name was Mary had died after 7 April 1741 when she acknowledged the surrender of her dower rights in certain realty, as will appear in the following record.

HENRY ELLEY'S SPOTSYLVANIA REAL ESTATE TRANSACTIONS On 3 October 1732 George Musick, of St. George's Parish, Spotsylvania, "planter", and Ann his wife conveyed to Henry Elley, of Hanover Parish, King George County, "founder", for £14 a 500-acre tract in St. George's Parish, originally patented to George Musick and Thomas Allen.² To this property Henry Elley promptly moved, for he was regularly thereafter, until 1742, referred to as of St. George's Parish, Spotsylvania County.

On 4 February 1732/3 Wm. Taylor, of St. George's Parish, "mason", sold to Henry Elley, of the same parish and county, "founder", 200 acres in Spotsylvania, being a part of the lands patented to George Musick and Thomas Allen 28 September 1728.³

On 1 September 1733 Thomas Jarman, of St. George's Parish, Spotsylvania, "planter", and Mary his wife sold to Henry Elley, "founder", for £4 currency 87 acres in Spotsylvania originally granted to Jarman 20 June 1733.⁴

On 7 April 1741 Henry Elley entered into two contracts with Robert Spilsbe Coleman, of Essex County, in one of which Elley was called "planter" and in the other, "founder." He conveyed to Coleman the 200 acres and the 87 acres above mentioned. Mary, wife of Henry Elley, acknowledged her relinquishment of her dower rights in those two tracts. Witnesses to these transactions were Edward Herndon and Thomas Stubblefield.⁵

On 2 November 1742 Henry Elley deeded to Edward Ware 300 acres and to Edward Coleman 200 acres of the 500-acre tract he had purchased 3 October 1732. At the date of these sales Henry Elley was of Hambleton Parish, King William County. The three witnesses to these Spotsylvania deeds were Edward Herndon, Robert Huddleston, and Edmund Foster.⁶

By 14 August 1767 Henry Elley and his wife Esther were living in Culpeper County, for on that date they entered into a deed of gift to their son-in-law John Foster, transferring to him title to seven negro slaves, stocks of horses, cattle, etc., which was recorded in

Spotsylvania 8 December 1767.⁷ Sometime between then and 1 December 1768 Esther (Herndon) Elley probably died in Culpeper County, for on the latter date Henry Elley, of Culpeper, conveyed to his son Henry, Jr., by a deed of gift, negroes and an interest in a tenement of land in Spotsylvania whereon Henry, Jr., then lived and which Henry Elley, Sr., had purchased from the executors of Col. John Spotswood, deceased;⁸ but no wife joined in this deed of gift. Since the transfer of realty was involved, which required a wife to waive her dower rights, we must conclude that Esther had died.

IN ORANGE COUNTY, VA. On 29 October 1749 the Orange County Court directed Thomas Harrison, plaintiff in a suit against Henry Elley, to pay Edward Herndon 280 pounds of tobacco for his services four days as a witness for Harrison, Edward Herndon having come 30 miles twice from Spotsylvania to Orange on his behalf.⁹

HER FAMILY The four children mentioned below are listed in the Spotsylvania records. If she and Henry Elley had others, we have no knowledge of them. In a legal sense, proof is lacking that the four named are her children. They might be the children of Henry Elley's wife Mary. As we lack their birth dates, a positive statement cannot be made. We are assuming them to be Esther's not Mary's sons and daughters.¹⁰

Children of ESTHER HERNDON and HENRY ELLEY:

- 68 i. Henry Elley m Sarah Burbridge. On 5 June 1771 Wm. Fitzhugh of Stafford County, Esquire, and Ann his wife sold to Henry Elley 128 acres in St. George's Parish. Henry and his wife Sarah sold this tract 21 March 1776 to Thomas Burbridge, of Spotsylvania. The Elleys were then of Culpeper. In 1792 Henry Elley and his wife Sarah; his wife's brother Thomas Burbridge and his wife Sarah; his wife's sister Mildred (Burbridge) Robinson and her husband Benjamin Robinson; and his wife's sister Elizabeth and her husband Tavener Branham were living in Kentucky. The parents of Sarah (Burbridge) Elley were Thomas Burbridge and his wife Nancy, daughter of Joel Parish; while her other known grandparents were Thomas and Mary Burbridge. We have no information as to whether Henry Elley had any descendants.
- 69 ii. Isabella Elley m John Foster, son of Anthony and Isabella Foster; nfi.
- 70 iii. Ann Elley m James Cunningham. She was appointed administratrix of her husband's estate, furnishing £1000 bond

17 January 1782. Her will was dated 23 April 1789 and probated in Spotsylvania 6 August 1789. She named her brother Edward Elley, her friend James Lewis, and her son James Cunningham executors. Her will directed that that tract of land in Fayette County, Kentucky, patented 17 August 1786, should be divided equally among her children: Elizabeth, Ann, James, Henry, George, Nelly and William. James Cunningham, her husband, was commissioned Ensign 2 September 1755, promoted to First Lieutenant 4 May 1756, Company of Foot, and Lieutenant of Company of Militia 27 July 1763. They had another son Robert Cunningham, of

Fredericksburg. James Cunningham was active for many years as a vestryman of St. George's Parish. Following his death the Vestry met at Mrs. Cunningham's 1 December 1783 and 16 April 1785. It had met at the same home, then Mr. James Cunningham's, frequently from 11 November 1771 to 24 November 1780. After her death--the members of the Protestant Episcopal Church met 5 April 1790 at the same home, then Mr. Robert Cunningham's, and elected a Vestry of twelve, including John Herndon, Capt. Edward Herndon, Edward Herndon, Jr. and John Welch.

71 iv. Edward Elley m Mary Ann Foster, daughter of John Foster; nfi.

FOOTNOTES ON ESTHER HERNDON [12]

- 1 *Crozier* 85
- 2 *Ibid* 124
- 3 *Ibid* 124
- 4 *Ibid* 127
- 5 *Ibid* 154
- 6 *Ibid* 161
- 7 *Ibid* 259-260
- 8 *Ibid* 265
- 9 5 *Orange County (Va.) Order Book* 229
- 10 The following references concern either the children or grandchildren named below:
Crozier 45, 47, 146, 148, 265, 324, 431, 450, 459, 502, and *Second Vestry Book of St. Georges Parish* for the dates mentioned.

13 WILLIAM HERNDON [3 James] was born probably about 1706 in King and Queen County, Va. About 1730 he married Sarah Poe, daughter of Simon Poe. While it is impossible to be certain about which references to William Herndon in the Caroline Order Books apply to each of the persons of that name, it is believed that the following pertain to the subject of this sketch. There is no doubt about the date of his death, the name of his wife, the names of their children, where they lived, etc.

SERVICE AS CONSTABLE From 1749 to 1753 he was constable of Caroline County. On 10 November 1749 he gave information "concerning Simon Poe for tending seconds", and Zachery Lewis was directed to prosecute the case against Poe.¹ Certification was later made that William Herndon had discharged his duties as constable for 1751, 1752, and 1753.² It is interesting to note that again at court 9 November 1752 Simon Poe had not mended his ways, for then a minute was adopted, reading:³

"On the information of William Herndon constable Ordered the Kings Attorney prosecute Simon Poe, John Smith, Thomas Pitman, Mordecai Abraham, William Deshaza, James Masters and Titus Stevens for tending seconds."

It is not known whether the Simon Poe mentioned was William Herndon's father-in-law or his brother-in-law.

LAW SUITS One James Turner was a witness for William Herndon who was plaintiff in a suit against Thomas [name blurred]. He had testified for him three days in court and had traveled 40 miles to do so. On 16 November 1751 William Herndon was ordered to pay him 195 pounds of tobacco.⁴

William Copeland who filed a petition against William Herndon was awarded £1 13s. 2½d., and costs on 15 July 1757.⁵ The Court likewise found for Edmund Taylor, plaintiff, against William Herndon when on 10 March 1758 it heard the case. The judgment was for £2 5s. 9d.⁶ On 12 March 1761 the following entry appears:⁷

"On the petition brought by William Herndon against Hugh Sampson judgment is granted against the said defendant for £12 11s. 7d. current money which he is ordered to pay to the plaintiff with interest from the 10th day of July, 1760, till paid, and the costs of this suit."

HIS WILL AND SETTLEMENT OF HIS ESTATE His will, now lost, was proved 9 December 1773 by the oaths of Robert Farish and Edmund West, two of the witnesses thereto. It named William and

James Herndon as its executors. They qualified as such with Josiah Samuel on their bond. The appraisers appointed were John Armistead, Gent., John Jones, Robert Farish, and John Pickett. They filed their inventory and appraisement of the estate 12 May 1774.⁸

No more appears on this topic in the Caroline records until the Court in August 1781 adopted the following minute:¹⁰

"It appearing to the Court that Sarah Herndon, having held sundry slaves and other estate of her deceased husband William Herndon and moving out of this State and carrying the same hath thereby forfeited all her right and title thereto by the laws of the Commonwealth."

REMOVAL OF THE FAMILY TO CHATHAM COUNTY, N. C. The facts are that Sarah Herndon had removed to Chatham County, N. C., at least as early as 12 October 1779. Her son Stephen Herndon had gone there by July 1777; her sons George and James were there by 1779. Her son John lived just north of the Chatham border, in Orange County, N. C. Her daughters were nearby with their husbands and children.

GIFTS OF SLAVES Some of the slaves mentioned in the Caroline County Court minute above quoted had, as a matter of fact, been given away by Sarah in October 1779 to her son George and to her grandchildren "Joseph Herndon and Martha, children of John Herndon [who is] still living, whose other children are Lewis, Mary, Sarah, Patience and Rhoady."¹¹ Four years later she gave a slave to her grandson "George Herndon, common laborer" [son of her son Captain James], in a deed witnessed by two of the sons of the said Captain James, Elisha and Cornelius Herndon.¹²

WILL OF SIMON POE Of particular interest is the will of Simon Poe, father-in-law of William Herndon. He was about 100 years of age at his death in 1793. One of his descendants gives his age as 105.¹³ It is no wonder that he signed the will that follows by making his mark.¹⁴

"IN THE NAME OF GOD, AMEN. I, Simon Poe, of Chatham County and State of North Carolina, being of sound and perfect mind and memory, blessed be God, do this ninth day of April in the year of our Lord 1793 make and publish this my last will and testament in manner following, that is to say:

FIRST: I give and bequeath to my well beloved wife Rhoda Poe one negro girl named Wency, one feather bed and furniture, one bay mare seven years old, also other stock, and ten barrels of corn to be paid the first day of next December, together with one hundred acres of land on Pig Branch, whereon the said

Rhoda Poe lived during her widowhood.

All the rest of my estate to be divided between these my children: Sary Herndon, Mary Barry, Jane Massey.

One child's part to be divided between Mary George and Lucy Straughn, daughters of [my daughter] Lucy Straughn deceased; and

Stephen Poe, son of Simon Poe, one other child's part; also

William Poe, the son of Stephen Poe, one other child's part;

My son William Poe and my son James Poe and daughter Frances Thomson, having had their part of my estate already; and

I HEREBY MAKE and ordain my worthy friends, Richard Straughn, Robert Thomson, and James Manly, executors of this my last will and testament.

IN WITNESS WHEREOF, I the said Simon Poe have, to this my last will and testament, set my hand and seal the day and year above written.

Witnesses present:

Elijah Foushee
B. Manly

his
(Signed) Simon (X) Poe
mark

Date of probate not shown; inventory filed 9 August 1793.

FINAL CAROLINE COUNTY REFERENCE On 14 April 1785 a suit by William and James Herndon, executors under the will of William Herndon, [their father] against the executors of George Yates, deceased, was heard by the Caroline Court, and a judgment in favor of the plaintiffs was awarded, with costs. The plaintiffs were represented in Court by their attorneys.¹⁶

Children of WILLIAM HERNDON and SARAH POE:

- 72 i. Mary (c 1731 - --) m Elisha Dismakes; said to have settled in Chatham or Orange County, N. C.; nfi.
- 73 ii. Joseph (c 1733/1763) unmarried. His brother James was given administration of Joseph's estate by the Caroline court 14 August 1763.¹⁶ Reverberations of this estate settlement were felt in the Court of Chatham County, N. C., as will appear in the write-up of John Herndon [78] at a later date.
- 74 iii. daughter (c 1735 - --) m John Booker, of Chatham and Orange Counties, N. C.; nfi.
- 75 iv. James (c 1737 - 1811) m Isabella Thompson
- 76 v. William (c 1738 -), of whom nothing is known after he brought the suit in 1785 against the Yates estate above mentioned
- 77 vi. George (c 1740 -) m Frances Merramon
- 78 vii. John (c 1742-1827) m 1st Sarah Wingfield; 2nd Catherine Nelson
- 79 viii. daughter (c 1744 - -) m Brig. Gen'l Ambrose Ramsey, of Chatham County, N. C.; had issue; nfi
- 80 ix. Stephen (c 1746 - -) m Sophia Poe

FOOTNOTES ON WILLIAM HERNDON [13]

1 3 COB 181

2 Ibid 252, 354, 483

3 Ibid 354

4 Ibid 285

5 4 COB 297

6 Ibid 344

7 5 COB 146

8 10 COB 456

9 Ibid 555

10 12 COB 19

11 B Chatham Deeds 211, 212

- 12 C Chatham Deeds 170
- 13 Mrs. Lillie B. Nesbitt, of Chapel Hill, N. C., in conversation with John G. Herndon, Haverford, Penna., in June 1939
- 14 Chatham County Deeds, Bills of Sale, Inventories of Estates, and Wills, 1782-1794, p. 47 (Volume 22.018, North Carolina Historical Commission, Raleigh)
- 15 12 COB 504
- 16 5 COB 410

14 EDWARD HERNDON [3 James] was born probably about 1709 in King and Queen County, Va., where he lived all his life. It is impossible now to differentiate with certainty the Caroline County references to this Edward, if any, from those applicable to his first cousin, Edward [20] son of William [4]. We have assumed that the other Edward was always called Edward and that the one reference to this subject was in the suit of Edward Herndon, Jr., plaintiff, against James Pickett, defendant, charged with trespass, which the Court dismissed 10 May 1745.¹

POSSIBLE IDENTIFICATION Details of his life are lacking. It is possible, but not likely, that he was the Edward Herndon, Jr., who with George Taylor and Wm. McDonaugh witnessed a deed dated 26 July 1738 from Morgan Bryan, then of Orange [later Frederick] County, Va., to Daniel Chancey for 264 acres, a tract called Flat Springs, near the head of the Tuscarora, a branch of the Opeckon.²

HIS WIFE That his wife was Ann, a daughter of Thomas Collins, is an assumption based on the fact that both William and John Herndon, believed to be his sons, named daughters Ann Collins, and that the said William Herndon [82] named a son Thomas Collins.³

HIS CHILDREN His sons, Edward and John, had strong Baptist interests: the former, imprisoned for preaching without license from the Colony;⁴ the latter, grandfather of four Baptist ministers, two of whom were of considerable distinction.⁵ Reuben lived and married in King and Queen.⁶

Children of EDWARD HERNDON and ANN COLLINS:

- 81 i. Edward (c 1733- p 1771) m 1753 Mary Waller, in Over-Wharton Parish, Stafford County.⁷ A tablet was erected at Bowling Green, Caroline County, Va., to his memory and that of five colleagues of his: Lewis Craig, John Burruss, John Young, James Goodrich, and Bartholomew Chewning. Concerning them Dr. Garnett Ryland said, in part, on the occasion of the unveiling of the tablet just mentioned: "What manner of men were these? Of what crime were they guilty? Why do we a century and a half later meet to do them this honor? Of Herndon and Goodrich and Chewning we know almost nothing. If it were not for their imprisonment, their names would long ago have been forgotten. They were laymen whose hearts had been touched by the spirit of God, whose lives had been changed, whose souls had been kindled and could not but speak the things that they had seen and heard." They were arrested and imprisoned by order of the Caroline Court in 1771. ["Swearing Jack" Waller, called also "Devil's Adjutant", foreman of the Grand Jury that indicted these six, became Craig's "son in the Gospel, an eloquent herald of redeeming grace."] No known descendants.
- 82 ii. William (c 1737 - 1796) m Frances White
- 83 iii. Reuben (c 1739-1777) m Margaret --
- 84 iv. John (c 1741 - 1805) m Mrs. Sarah (Chapman) Mountjoy

FOOTNOTES ON EDWARD HERNDON [14]

1 2 COB 474

2 Hopewell Friends' History, p. 21

3 H Prince William Wills 469

4 "Forerunners of Freedom", address delivered by Dr. Garnett Ryland, of University of Richmond, quoted in *Free Lance of Fredericksburg, Virginia*, Thursday, October 5, 1922

5 James B. Taylor, *Virginia Baptist Ministers*, Second Series, 223-226 and 451-461; Mumford, *Virginia's Attitude toward Slavery and Secession*, 71

6 *Virginia Gazette*, No. 130, dated 25 July 1777, advertising the sale of property belonging to the personal estate of Reuben Herndon, deceased, on his plantation five miles above King and Queen Court House 12 August 1777; *Real Estate Tax Record, King and Queen County*, dated 1 June 1782, Virginia State Library (Archives Division), Richmond

7 In the printed copy of the *Register of Over-Wharton Parish, 1720-1760*, the entry gives the husband's name as Edward Kendon, but an examination of the original shows the name clearly to be Edward Herndon.

15 JOSEPH HERNDON [3 James] was born about 1716 probably in that part of King and Queen County, Va., which after 1728 was within Drysdale Parish, Caroline County, of which he remained a resident until his death in 1757.

Our first reference to him was on 9 November 1739 when he was summoned to court to answer an indictment against him by the Grand Jury. The case was continued at its next session; then on 8 February 1739/40 he pleaded guilty to the charge of trespass, assault, and breach of the peace. He was fined one shilling and costs.¹

PROPERTY OWNER On 9 May 1740 a deed of feoffment with livery of seisin endorsed thereon from John Baylor, Gent., to Joseph Herndon was proved by the oaths of Robert Farish, Robert Woolfolk, and Philip Herndon.²

APPRAISER On 10 April 1741 Joseph Herndon was appointed an appraiser of the estate of Thomas Durham.³

SURVEYOR On 14 May 1742 he was appointed surveyor of the roads in place of Thomas Bullard, and was ordered to keep the roads in repair with the assistance of John Baylor's gang as well as his own.⁴

JURYMAN AND WITNESS On 12 November 1742 he served as a member of the Grand Jury,⁵ and on several petit juries in the succeeding three years.⁶ In one such case which extended from 10 November 1744 to 15 September 1745, the defendant was Philip Herndon [17]. On 9 September 1743 he was awarded 50 pounds of tobacco for being a witness in court.⁷

PROPERTY IN SPOTSYLVANIA On 2 June 1747 there was recorded in Spotsylvania a deed, bearing the same date, from William Wiat, mariner, to Joseph Herndon, of Caroline, for 667 acres in Spotsylvania, devised to William Wiat (Wyatt) by the will of his father Francis Wyatt. Witnesses were James Taylor, Joseph Russel, and Richard Todd. The consideration was £133 8s. This deed of sale followed a lease between the same parties entered into the previous day.⁸

SLAVE OWNER On 13 October 1749 a negro slave girl named Daphney belonging to Joseph Herndon was adjudged by the Caroline Court to be 13 years of age.⁹ This is the last reference to him during his lifetime in the extant Caroline records.

PROPERTY IN ORANGE Goodrich Lightfoot and Susannah his wife and Thomas Slaughter, all of Culpeper, sold to Joseph Herndon, of Caroline, 25 July 1754 300 acres in Orange.¹⁰ Witnesses

were Rowland Thomas, John Pendleton, and Andrew Shepherd.

MORE PROPERTY IN SPOTSYLVANIA For £30 John Crittenden Webb, of Spotsylvania, conveyed to Joseph Herndon, of Caroline, 2 July 1754, a 100-acre tract in Spotsylvania adjoining the property which Joseph Herndon had previously bought from Capt. Wm. Wyatt. It was located on Lick Branch. Witnesses were Z. Lewis, Roger Dixon, and Richard Woolfolk.¹¹

HIS DEATH At the time of his death which appears to have occurred about 1757 he owned all the lands above mentioned. His will which was doubtless probated in Caroline County is lost, but references thereto appear in the Spotsylvania deed books in connection with the sale of property which he had purchased from Wyatt and Webb. On 8 June 1758 the inventory of his estate was filed with the Caroline Court.¹² A little over a year later Mary Herndon, his widow, returned an account against the estate of Joseph Herndon which was ordered to be filed.¹³ Sometime between that date and 1 October 1759 she married Charles Gordon, of Spotsylvania.

HIS WIFE Joseph Herndon had married about 1740 Mary Boswell. There is no known record of the marriage, but no doubt exists about her name, furnished by several of her descendants.¹⁴

GUARDIANSHIP OF HIS CHILDREN Charles Gordon, with Edward Herndon and John Holloday as his securities, gave a £2,000 bond to the Spotsylvania Court at the time of his appointment as guardian of Joseph Herndon's orphans: Joseph, Stephen, Philadelphia, Benjamin, Mary Ann, and Sarah.¹⁵ Since from various sources the year of Philadelphia's birth has been ascertained to be 1745, Benjamin's 1748, and Sarah's 1754, it seems reasonable to assume that the orphans were all named in the order of their birth in the guardian bond.

SALE OF SPOTSYLVANIA PROPERTY Charles and Mary [Boswell] Gordon, of Spotsylvania, conveyed 13 August 1774 for £400 to Robert Hart, merchant, of Hanover County, "600 acres in Berkeley Parish, Spotsylvania, whereon the said Gordon lived, devised by the will of Joseph Herndon to his son Benjamin of whom sd. Gordon purchased the same....also 300 acres in Berkeley Parish, Spts. Co., purchased of one William Garrett, etc."¹⁶ Witnesses were Robert Grayham, Geo. Stubblefield, William Smith, Franky Smith, and Walter Chiles. This deed was recorded 18 August 1774 as was also a similar conveyance jointly from Joseph Herndon (son of the Joseph of this sketch) and his wife Betty, and Charles and Mary Gordon, to Aaron Fontaine, of 260 acres for

£200. To that deed the witnesses were William Smith, Edward Herndon, and Peter Stubblefield.¹⁷

REMOVAL FROM SPOTSYLVANIA By 1775 Charles Gordon was living in Louisa County, Va.¹⁸ Soon the family moved to that part of Surry County, N.C., which later became Wilkes County.¹⁹ There Charles and Mary Gordon spent the remainder of their lives.

CHARLES GORDON Charles Gordon, second husband of Mary (Boswell) Herndon was a senator from Wilkes in the North Carolina Legislature in 1781.²⁰ He and Mary were the parents of three sons, Chapman, Nathaniel, and Charles Gordon.²¹

Children of JOSEPH HERNDON and MARY BOSWELL:

- 85 i. Joseph (1741-1798) m Elizabeth White
- 86 ii. Stephen (1743-1765) left a non-cupative will²² which was proved 5 October 1765 by the deposition of Sarah Gordon, aged 57 years or thereabouts, and Elizabeth Gordon, aged 26 years or thereabouts, who stated under oath

before Thomas Wiatt that Stephen Herndon on 26 September last, then in his perfect senses but a low state of health had a great desire to make a will, but no one was present whom he thought proper to write the will, and so he declared before them that he left a negro man named Daniel to his mother Mary Gordon, and a negro woman named Winney to his sister Sarah Herndon; that he wanted a negro woman named Rose to be sold and from the proceeds to pay his debts and the overplus to be given to his brother Joseph Herndon, and that on the first day of October he departed this life.

- 87 iii. Philadelphia (1745-1816) m Thomas Fox
- 88 iv. Benjamin (1748-1819) m 1st Sarah Fines; 2nd Mrs. Patience (Terry) Glenn
- 89 v. Mary Ann (1752-) m Peter Stubblefield
- 90 vi. Sarah (1754-1842) m George Gordon

FOOTNOTES ON JOSEPH HERNDON [15]

1 1 COB 568, 575, 579

2 Ibid 603

3 2 COB 32

4 Ibid 109

5 Ibid 135

6 Ibid 189, 192, 292, 293, 525

7 Ibid 223

8 Crozier 175

9 3 COB 175

10 12 Orange (Va.) Deeds 236

11 Crozier 196

12 4 COB 356

13 5 COB 74

14 Letter dated 2 July 1934 from Mrs. Luke Hodges, Wichita Falls, Texas, to John G. Herndon, Haverford, Penna., and orally by Miss Louise B. Magruder, Annapolis, Md. 12 June 1939 in conversation with John G. Herndon; XXI Tyler's Quarterly Historical and Genealogical Magazine 251; Benjamin Herndon named his eldest daughter Mary Boswell; and Charles Gordon Jr., named his eldest daughter Polly Boswell, each, of course, for their mother Mary (Boswell) [Herndon] Gordon.

- 15 Crozier 73
- 16 Ibid 313
- 17 Ibid 314
- 18 Ibid 315
- 19 XXI Tyler's Quarterly 251-2, 264-270, which furnished an interesting account of this family, with special reference to Philadelphia (Herndon) Fox
- 20 Wheeler: History of North Carolina 465
- 21 His will dated 7 May 1808, Wilkes Co., N. C. names these sons
- 22 D Spotsylvania Wills 227

16 JOHN HERNDON [3 James] was born about 1718 probably in King and Queen County and died in 1769 in King George County. We have no detailed knowledge of him. Fortunately, however, his will has been preserved (1 King George Wills 272). It reads as follows:

In the Name of God Amen, I John Herndon of the County of King George, being sick and weak in body, but of sound mind, sense and memory, thanks be to Almighty God for the same, do make and ordain this my last will and testament in manner following,

First and principally I recommend my soul to God and my body to the earth to be interred at the discretion of my executors hereafter named, and as to what worldly estate it hath pleased God to bestow on me, I do give, devise and bequeath as follows:

Imprimis. I confirm to my son David Herndon one baymare called Bonny now in his possession. I desire that my executors may take charge and care of my children during their infancy and to bind out such of them and to such trades as they think proper, in case that it may be thought necessary by my executors and not very inconvenient to my wife, I desire that in that case that they give to either or any of my children as they come of age or are married, such a small proportion of my estate as can be conveniently spared and such things so given by my executors to be by them valued in current money and such child or children deducted with the same, and shall be deemed and taken as so much of their proportionable part of my estate hereafter to be allotted to them by my wife, and such child or children not be liable for interest on the same, tho this is a matter I leave entirely in the breast and at the discretion of my executors.

Item. I leave to my loving wife Jane Herndon during her widowhood the entire use of my whole estate exclusive of the specific legacies hereinbefore mentioned, for the support of her and my children, and should she marry again it is my will and desire that she then enjoy to her own use during her natural life a one-third part of my estate only, and the other two-thirds to immediately descend to my children in equal proportion, and it is my further will and desire that the whole of my estate that may be in the hands of my wife at her death be divided amongst my children and their representatives as she may think proper.

Whereas I am doubtful that it will not be in the power of my wife to manage two of my negroes named Nann and Nell it is my desire that should the said negroes Nann and Nell or either of them should become mean then it shall and may be lawful for my executors, and they are hereby desired to sell or otherwise dispose of them in such manner as they may think best for the benefit of my estate.

Lastly I do constitute and appoint my wife Jane Herndon, David Herndon my son, and my

friends Joseph Herndon and Gerard Banks executors of this my last will and testament hereby revoking all other wills by me heretofore made.

In Witness whereof I have hereunto set my hand and seal this thirty-first day of July one thousand seven hundred and sixty eight.

Jno Herndon (Seal)

Sealed and acknowledged and declared by the said John Herndon as and for his last will and testament in the presence of John Harwood, Frances Banks, Gerard Banks.

The record then concludes:

"At a Court held for King George County the sixth day of April, 1769,

"The last will and testament of John Herndon, deceased, was presented to court by Jane Herndon his widow, and Gerard Banks, executrix and executor thereunder mentioned who made oath thereto according to law, and the same being proved by the oaths of the witnesses thereto subscribed is admitted to record, and on the motion of the same Jane Herndon and Gerard Banks, they performing what the law in such cases require, certificate is granted them for obtaining a probate thereof in due form.

Test: Joseph Robinscn."

The entire family of John Herndon except Zachariah left Virginia after his death and settled in the neighborhood of Bryant's Station, Scott County, Kentucky, and Zachariah visited his brothers and sisters there.

The family name of John Herndon's wife Jane is not known.

Children of JOHN HERNDON and JANE -----

- 91 i. David (c 1742-1824) m Charity Sinclair
- 92 ii. Samuel (c 1744- C 1790) m Catherine Bohannon
- 93 iii. Elizabeth (C1746- p 1821) m Thomas Branham
- 94 iv. Zachariah (c 1748-1796) m Mary Scott
- 95 v. Thomas (c 1750-1821) m Mary Ship
- 96 vi. Mary (c 1752- p 1782) m Thomas Ficklin

17 PHILIP HERNDON [4 William] was born probably about 1715 in that part of King and Queen County, Va., which later became Caroline; lived there until 1745; went to North Carolina before 1750; and returned to Caroline County before 1760. Where he died we do not know.

JURYMEN On 12 February 1736/7 he served on the jury in the cases of John Champe v Robert Dudley and Joseph Hoomes v Richard Harrison.¹ On 14 July 1738 he and William Herndon were jurors in Thomas Morris v George Senior.² On 10 November 1738 he was on the Grand Jury.³ He served also on petit juries 8 June 1739, 9 May 1740, and 10 May 1745.⁴

THE SIMON POE SUIT On 9 September 1737 Simon Poe sued Philip Herndon for trespass. Continued in August 1738, it was finally settled 9 March 1738/9 when the jury brought in a verdict for the plaintiff for 20 shillings sterling, and costs.⁵

SLAVE OWNER In our reading of the Caroline records we have found only one reference to testimony by a slave. That one stated that Philip Herndon's man Harry had been a witness in court 24 August 1744.⁶

THE WILLIAM RIDDLE SUIT On 9 November 1744 the suit filed by William Riddle against Philip Herndon for slander got under way; was continued twice; and then settled 15 September 1745 when the verdict of the jury for the award of the heavy sum of £8, damages, was approved by the court.⁷

THE SAMUEL COLEMAN SUIT On 10 May 1745 there was scheduled against Philip Herndon a second suit for trespass. The plaintiff was Samuel Coleman. The case was dismissed, however, when the court was told that the parties had reached an agreement.⁸

THE LANKFORD AND MCKAY SUITS Sometime between the dismissal of the Coleman suit in May 1745 and December of that year Philip Herndon left Caroline County. Two suits were instituted against his estate, that is, against his property, one by Benjamin Lankford, the other by William McKay. On 14 December 1745 the Caroline court⁹ awarded 740 pounds of tobacco to the plaintiff; directed the sheriff to attach "a parcel of tobacco hanging a parcel of corn and a parcel of fodder-land" in the hands of Richard Walden and Edward Herndon and to sell the same to satisfy the said judgment; and ordered Richard Walden and Edward Herndon to "come into the next court and declare on oath what part of Philip Herndon's property they have in their hands."⁹ When the case was heard the following February, the writ of attachment spoke of the agricultural products named

above and of Edward Herndon and Richard Walden as garnishees. In court they said that what they had of his property consisted of two iron wedges, a pair of sheepshears, a ball of shoemaker's thread, a candlestick, a pair of cotton cards, a pair of knitting needles, and a whirl.¹⁰ A month later a similar suit against the estate of Philip Herndon by William McKay was ordered, but no subsequent reference thereto was found.¹¹

NORTH CAROLINA LAND GRANT Doubtless Philip Herndon had gone to North Carolina, for that Province granted to him on 27 September 1750 100 acres in Anson County on the left bank of the Pee Dee River.¹² He thus became the first of many persons named Herndon to whom North Carolina granted lands.

HIS RETURN TO VIRGINIA How long he lived there is not known, for our final reference to him thus far found is in the Essex County courthouse at Tappahannock, Va. It is dated 8 March 1759 and reads as follows:¹³

"I, Philip Herndon, of Caroline have bargained and sold to my brother James Herndon all my rite and title to two negroes formerly belonging to my father William Herndon named Jack and Milley and all the remaining part of my father's estate due me."

The signature was "Philip Herndon." Joseph Ryland was a witness. The reason for recording this deed in an Essex County deed book was that James Herndon, Philip's brother, was a resident there, in fact had been for many years.

HIS FAMILY Philip as a given name for Herndon descendants appears time and time again in the South Carolina records and almost nowhere else. For that reason we have assumed that their ancestor was this Philip. The Pee Dee is one of the important rivers of that State. It seems likely that Philip Herndon who was granted land on the Pee Dee was the father of Philip who settled in South Carolina, and that William Herndon who settled near him was probably another son. We have assumed that the other Herndons mentioned below, concerning whom there is some information in the early records of North Carolina, were other sons. No mention has been found of the name of the wife of this Philip.

Children of PHILIP HERNDON:

- 97 i. Peter, to whom The Province of North Carolina granted 100 acres in Duplin County 7 March 1759; ¹⁴ nfi.
- 98 ii. Matthew, served as a private in 1755 in Capt. Joseph Nash's Company in Pasquotank County, N.C.; ¹⁵ nfi.

99 iii. John: on 8 June 1768 he entered 150 acres in Granville County, S.C. They were on Chevise's Creek bounded on the south and east by Chevise's old mill place. The grant was made to him 4 July 1769 by the Province of South Carolina. He entered on 13 March 1773, 50 more acres next to the preceding Province which were granted to him 17 May 1774. On 25 August

1774 he entered a claim to a plantation of 50 acres in Colleton District on the waters of Little Saludy which was granted to him 9 November 1774;¹⁶ nfi.

100 iv. William (c 1743 - p 1782) m -- --
 101 v. James, to whom grants were made by the State of North Carolina in Bladen and Duplin Counties;¹⁷ nfi.
 102 vi. Philip (c 1760 - p 1785) m -- --

FOOTNOTES ON PHILIP HERNDON [17]

- 1 1 COB 402, 403
- 2 Ibid 490
- 3 Ibid 506
- 4 Ibid 538, 603, 604; 2 COB 470, 473
- 5 1 COB 526
- 6 2 COB 315
- 7 Ibid 354, 472, 525
- 8 Ibid 478
- 9 2 COB 561-2
- 10 Ibid 573-4
- 11 Ibid 581
- 12 13 North Carolina Land Office Records 114
- 13 29 Essex Deeds 30
- 14 He may also be the person to whom 100 acres in Duplin County were granted 29 October 1782. It seems likely, however, that that Peter Herrendine was his son.
- 15 22 State and Colonial Records of North Carolina 347.
- 16 Land Memorials of South Carolina Vol. 13, pp. 71, 481 and Vol. 18, p 498.
- 17 There is considerable doubt that all these "brothers" were in fact such. It may well be that this James was a son of Peter [97] instead of his brother. That is a reasonable assumption if the grants mentioned in footnote 14 were made to father and son, for a grant made to this James adjoined that of Peter's in Duplin County.

19 JAMES HERNDON [4 William] was born probably about 1720 in King and Queen County, Va. By 1746 he was established in Essex County where he spent the rest of his life, but there are several references to him in the Caroline Order Books.

PURCHASE OF ESSEX REALTY On 16 August 1746 he purchased for £50 from John Pickett and Mary his wife, of Caroline, 180 acres in South Farnham Parish, Essex, adjoining the lands of Aylett, Robert Marsh, Colonel George Braxton, and George Wright. The witnesses were John Holder and Thomas Gatewood.¹ Today it is called Wayland, and in 1938 it was owned by the heirs of Warner Lewis. It is located on the Piscataway near Aylett. Latané's Mill, formerly called Pickett's Bridge, is included in the above tract.²

SLAVE OWNER On 23 June 1748 the Caroline Court directed that a certificate be issued to Thomas Baylor for taking up a runaway negro man slave named Harry "belonging to James Herndon, of Essex Co."³

BOND POSTED Why the bond referred to in the following court minute was required is not stated:⁴

"A bond from Ann Powell and James Herndon to the Worshipful Court of Essex County was this day acknowledged by the said Ann and James and is hereupon admitted to record, 15 May 1750."

KEEPING THE PEACE Nor do we know what the particular trouble was which caused issuance of the following court order 21 August 1750:⁵

"William Cox and William Cox Jr came into court and required Sureties of the Peace of James Herndon and made oath that they do not require the peace of him out of any hatred or malice but for real fear that they are in danger of being hurt or injured in their Persons or Estates by the said James Herndon. It is therefore ordered that he give security for his good behavior for one year and a day from this date in the sum of twenty pounds current money. Whereupon the said James Herndon together with James Smith Jr and Waters Dunn his securities came into Court and acknowledged themselves indebted to our Sovereign Lord the King his Heirs and Successors in the Sum of twenty pounds current money upon Consideration that if the said James shall be of Good Behavior to all his Majesties Liege People That then this recognizance is to be void and of none effect otherwise to be and remain in full force Power and Virtue."

SALE OF CERTAIN ESSEX PROPERTY On 14 January 1752 James Herndon and his wife Hannah leased to Joseph Ryland, of Gloucester County, 204 acres in South Farnham Parish, Essex County, "being the land whereon James Herndon now lives, adjoining John Wright's." George Wright and Richard

Hodges were witnesses. The next day James and Hannah Herndon signed a release of this property to Joseph Ryland, the consideration for the sale being £127 10s. A notation was made that 17 March 1753 the original deed was delivered to Richard Hodges.⁶ The record of the acquisition of these lands by James Herndon has, however, not been found by the compiler of this genealogy.

THE HAILE AND DILLARD SUITS When James Herndon failed to appear 22 June 1753 in court as a defendant in a suit against him begun by James Haile, a judgment in the sum of £3 10s. was entered.⁷

The next year Joseph Dillard brought suit against James Herndon for £2 6s. 3d. for 305½ pounds of tobacco. After many postponements the matters at issue were referred to Richard Tunstall, gent., as arbitrator who recommended that the suit be dismissed. The court concurred "after mature deliberation."⁸

WITNESS IN COURT On 16 July 1754 the court ordered Ambrose Gatewood to pay James Herndon 50 pounds of tobacco for attending the Essex court two days as a witness for him in his suit against James Emerson.⁹

PLAINTIFF AGAINST JAMES EMERSON The following year a suit was begun by James Herndon against James Emerson. A verdict for the plaintiff in the sum of £5 was entered 18 February 1756.¹⁰

THE BENJAMIN SMITH SUIT On 18 July 1759 Benjamin Smith was ordered to pay Daniel Stodgill 75 pounds of tobacco for attending court three days as a witness for him in the suit which James Herndon had brought against him, and to make similar payments to Thomas Haile, Susannah Smith, and Waters Dunn. The suit itself was dismissed, the court ordering James Herndon to pay Benjamin Smith the costs involved and to pay William Cox and Thomas Barker for their attendance as witnesses on his behalf.¹¹

INHERITANCE After the death of his father William in Caroline in 1759, his brother Philip, of Caroline, and his brother-in-law Benjamin Atkins, of Lunenburg, sold to him the slaves which they had received out of the estate of William Herndon, as has been already noted.¹²

LATANÉ SUIT Mary Latané, widow, brought an action of trespass against James Herndon, but that suit was dismissed when the parties thereto agreed upon terms of settlement 17 August 1763.¹³

COURT TROUBLES OF 1764 The next year James Herndon had plenty of court trouble. We learn first that he was security for William Cox, who

failed to appear in a suit brought against him, and that subsequently James Herndon himself was made defendant in an action brought by Henry Allen. The court held that as William Cox had failed to appear, James Herndon was liable for the £8 sued for.¹⁴ In Caroline County, however, things went better for him. In his suit against James Johnston the latter was ordered to pay the plaintiff £4 16s. current money, attorney's fee, and costs.

THE PICKETT CASE In the following spring there started a suit which with variations in title continued until after the death of James Herndon in 1767. On 12 April 1765 he started action against James Boulware and Nicholas Milean. The judgment of the court [it was the Caroline Court] was that James Herndon was to recover from the defendants and John Pickett, one of the Boulware's securities, £7 2s current money and costs; which sum, however, might be discharged by them upon payment to James Herndon of £2 with interest from 25 September 1761 until the debt should be paid. Payment not having been made by 9 July 1767 Hannah Herndon, widow of James, brought suit against Mary Pickett, executrix of John Pickett. This case was settled 12 November 1767 in favor of Hannah Herndon who was, however, directed to pay various sums of tobacco to Thomas Pickett, William Reynolds, John Britt, Sarah T. Janney, Ann Pickett, Richard Hodges, and Philip May, witnesses in her behalf at the trial.¹⁵

James Herndon died between 21 December 1766, the date of his will, and 19 January 1767 when it was presented to court by Hannah Herndon, his widow. A short time before the making of his will Mary Pickett had brought suit against him for trespass.¹⁶ The court minutes note that when he did not appear (probably because of his final illness), an extension was ordered 26 August 1766, but by time of the meeting of the March court the action of trespass was abated because of the defendant's death.¹⁷

SERVICES TO ESSEX COUNTY The Essex County court on 18 November 1765 directed that the county pay James Herndon 100 pounds of tobacco on account of timber which he had furnished for a bridge.¹⁸

HIS WILL The following is a copy of the will of James Herndon:¹⁹

In the Name of God Amen I, James Herndon, of Essex County, being in perfect mind and memory do make this my last will and testament follow (to wit):

I lend to my loving wife Hannah during her natural life all my estate both real and personal; and after her decease I give and devise the same to my children hereafter named, to wit: John, Mary, Milley, William, Elizabeth, Nancy, and Lucy St. John; to them, and each of them, their heirs, executors, administrators, forever; but my desire is that my daughter Lucy St. John's part of my said estate at the death of my said wife, if her [Lucy's] husband be then alive, be vested in my son John Herndon, as trustee of my said daughter Lucy's part of my estate so that she, or her children, may receive the sole use and benefit thereof without the claim or interruption of her said husband Thomas St. John, and lastly I appoint my loving wife and my son John whole and sole executrix and executor of this my last will, hereby revoking all former wills. In witness whereof I have hereunto set my hand and seal this 21st day of December 1766.

Signed, sealed, published and declared by the testator as his last will and testament in presence of witnesses:

Joseph (x) Collins (Signed) James Herndon
Thomas Barker
James Wilson

On 19 January 1767 Hannah Herndon presented the will of James Herndon in court. The record says, "witnessed by Wm Roane and James Wilson."²⁰ On 18 May 1767 the inventory of the estate was ordered to be recorded.²¹

HANNAH HERNDON We do not know the family name of Hannah before her marriage to James Herndon. She was last mentioned in the Essex records 27 June 1785 when there was dismissed her suit against William Roane which had commenced 16 August 1773.²²

On 16 February 1773 she had brought suit against Thomas Ryland, surviving obligor of Joseph Ryland, deceased. In that matter the court on 20 July 1773 awarded her £10 10s 8d with interest from 15 May 1768.²³

Children of JAMES HERNDON and HANNAH -----:

- 103 i. John; nfi.
- 104 ii. Lucy m Thomas St. John; nfi.
- 105 iii. Mary; nfi.
- 106 iv. Milley; nfi.
- 107 v. William; nfi.
- 108 vi. Elizabeth; nfi.
- 109 vii. Nancy; nfi.
- 110 viii. Sarah; nfi.

FOOTNOTES ON JAMES HERNDON [19]

- 1 24 *Essex Deeds* C77
- 2 According to information from Mr. Thomas Warner, of Essex Co., furnished to John G. Herndon in 1938 when they met in the courthouse at Tappahannock
- 3 3 *COB* 95
- 4 16 *Essex Order Book* 76
- 5 *Ibid* 154
- 6 17 *Essex Order Book* 171; 26 *King and Queen Deeds* 35
- 7 19 *Essex Order Book* 44
- 8 20 *Essex Order Book* 15, 25, 121, 176, 201, 243, 270; while 21 *Essex Order Book* 67 mentions Joseph Dillard's other suit against James Herndon which after reference to "Richard Tunstall, gent., as arbitrator was dismissed."
- 9 21 *Essex Order Book* 84
- 10 *Ibid* 183
- 11 23 *Essex Order Book* 65
- 12 29 *Essex Deeds* 29, 30
- 13 25 *Essex Order Book* 21
- 14 *Ibid* 280-1, 356
- 15 6 *COB*
- 16 26 *Essex Order Book* 401
- 17 *Ibid* 467
- 18 *Ibid* 331
- 19 11 *Essex Wills* 258
- 20 26 *Essex Order Book* 425
- 21 *Ibid* 473, and 11 *Essex Wills* 263
- 22 21 *Essex Order Book* 411, 29 *Essex Order Book* 98, 30 *Essex Order* 113
- 23 29 *Essex Order Book* 65

20 EDWARD HERNDON [4 William] was born probably about 1722 in King and Queen County, Va. He is mentioned several times in the Caroline County records in matters relating to the affairs of his brother Philip and once as the grantee of land indented to him by his father in 1745/6, as has already been noted.¹

We do not know when he left Caroline County, finally to settle in St. Bartholomew's Parish, Colleton District, South Carolina, nor where he stopped on his way there. It is likely that he went with his brother Philip to Anson County, N.C., and from there to South Carolina. What we do know about him is that in a deed of gift, as if a testamentary distribution in contemplation

of death, dated 29 December 1806 he described himself as "planter, of St. Bartholomew's Parish, Colleton District, South Carolina."² Thereby he disposed of his property to his children whom he named as listed below.

The name of his wife has not been ascertained.

Children of EDWARD HERNDON:

- 111 i. James (c 1755-) m -
- 112 ii. Edward (c 1758-) m -
- 113 iii. Rachel; nfi.
- 114 iv. Mary; nfi.
- 115 v. Matilda; nfi.
- 116 vi. Elizabeth; nfi.

FOOTNOTES ON EDWARD HERNDON [20]

1 *Vide supra* 15, 49

2 *Miscellaneous Records* 3 W 478 in the South Carolina Historical Society.

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(No attempt has been made to distinguish between persons having Sr. or Jr. after their names in the text from persons of the same name having no such designation.)

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